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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A./350/14/2020
 M.A./350/14/2020
 M.A./350/74/2020
 M.A./350/100/2020
 M.A./350/229/2020
 M.A./350/231/2020

Date of Order: 03.07.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
 Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Rudra Prasad Chatterjee, son of Late Subhas Chatterjee of D-II – 21/2 CMERI Colony, Durgapur – 713209.



--Applicant

Versus

1. Union of India, service through the Secretary, Department of Scientific and Industrial Research, under Ministry of Science and Technology, Government of India, having its office at Technology Bhawan, New Mehrauli Road, New Delhi – 110016.
2. The Secretary, Department of Scientific and Industrial Research, under Ministry of Science and Technology, Government of India, having its office at Technology Bhawan, New Mehrauli Road, New Delhi – 110016.
3. The Council of Scientific and Industrial Research (CSIR), service through the Director General, Council of Scientific and Industrial Research (CSIR), having its office at 2, Rafi Marg, Anusandhan Bhawan, New Delhi – 110001.
4. The Director General, Council of Scientific and Industrial Research (CSIR), having its office at 2, Rafi Marg, Anusandhan Bhawan, New Delhi – 110001.
5. The CSIR-Central Mechanical Engineering Research Institute, Durgapur, service through the Director, CSIR-Central Mechanical Engineering Research Institute, Durgapur, M.G. Avenue, Durgapur – 713209.
6. The Director, CSIR-Central Mechanical Engineering Research Institute, Durgapur, M.G. Avenue, Durgapur – 713209.
7. The Administrative Officer, CSIR-Central Mechanical Engineering Research Institute, Durgapur, M.G. Avenue, Durgapur – 713209.
8. The Section Officer, CSIR-Central Mechanical Engineering Research Institute, Durgapur, M.G. Avenue, Durgapur – 713209.

--Respondents

For The Applicant(s): In Person

For The Respondent(s): Mr. B. Bhushan, counsel
 Mr. M. K. Chaturvedi, counsel

ORDER

Per: Ms. Bidisha Banerjee, Member (J):

Heard both sides. Records were perused.

2. This O.A has been filed to seek the following reliefs:

"a) For an Order upon the Respondents to forthwith revoke, cancel and/or set aside the impugned orders of transfer together with the order of release being Annexure - A5 to this application.

b) Consequential order restoring the applicant to his posts as a Scientist in the CSIR-Central Mechanical Engineer Research Institute, Durgapur."

2.1) In M.A 229/2020, he has sought the following reliefs:



(i) To pass direction in order to restrain the respondents from taking/initiating any coercive action against your Applicant till the disposal of this case,

(ii) To pass Order sanctioning the earned leave applications from 15-11-2019 to 31.03.2020 to attend court proceedings, permitting "Work From Home" with effect from 01.04.2020 till the lockdown is lifted by the government and accordingly, release salary on or before 31.05.2020.

(iii) To pass orders for early disposal of the original application by not granting any leave to the Respondents under Section 33 (a) of the Central Administrative Tribunal Rules of Practice, 1993

Any or to pass any further Order or Orders as this Hon'ble Tribunal may deem fit and proper."

2. 2) In M.A. 231/2020 he has sought the following reliefs:

(i) To pass direction for early/immediate hearing and disposal of the instant Original Application being No. 14 of 2020 along with its all connected Miscellaneous Applications being No. 14 of 2020, 74 of 2020, 100 of 2020 and 229 of 2020 preferably before 19.06.2020, without granting any further opportunity and/or adjournment to the Respondents considering the above facts and to protect your applicant from further victimization by the Respondents during the pendency of the instant case and to enable Your Applicant to serve this nation with his inventions.

(ii) And or to pass any further Order or Orders as this Hon'ble Tribunal may deem fit and proper."

2. 3. In M.A. 74/2020 he has sought the following reliefs:

"Under the aforesaid circumstances it is humbly prayed that appropriate interim order prayed for may kindly be granted

and/or extended and to pass any further Order or Orders as this Hon'ble Tribunal may deem fit and proper."

2. 4. In M.A. 100/2020 he has sought the following reliefs:

"Under the aforesaid circumstances it is humbly prayed that Your Honour may be graciously pleased to pass an Order to ~~allow the amendment as mentioned herein above more~~ particularly described in the "scheduled of Amendment" mentioned herein below and to pass necessary direction upon the Concerned Department to carry out such Amendment and/or to pass any further Order or Orders as this Hon'ble Tribunal may deem fit and proper."

2.5. In M.A. 14/2020 he has sought the following reliefs:

"Under the above circumstances, the applicant respectfully prays that this Learned Tribunal may kindly be pleased to condone the delay in filing the Original Application before this Learned Tribunal on the grounds stated in this application."



3. On 24.06.2020, this Bench directed the respondents to obtain instructions on the following:

- (i) *The Office which would release the salary of the applicant and the reason why the salary has not been released despite his joining at the place of transfer.*
- (ii) *Whether he was sent to Ludhiana against a specific project, if so whether his transfer was on temporary or permanent basis.*
- (iii) *Whether the project in Ludhiana has been closed, and the closure report to that effect.*
- (iv) *Assuming that the project has come to a close, whether he was to be sent to another Unit or back to Head Quarter, Durgapur and whether any other to that effect has been issued.*
- (v) *If he goes back to Ludhiana, as per the request of the Director/higher authority, is there anything that bars him from getting his entitlements.*
- (vi) *To produce the advertisement to the post in which the applicant was appointed, along with copies of appointment order."*

Today, Mr. Bhushan, ld. counsel for the respondents would make his submission the ~~list~~ whereof being as under:

- (i) The salary of the applicant has not been released as he has not joined the place of transfer.

- (ii) He was not transferred for a specific project. He was transferred to CMERI-CoEFM, Ludhiana, on permanent basis for advancing his career in Precision Agriculture Research.
- (iii) Project at Ludhiana is an ongoing project and has not been closed
- (iv) Since the project is not closed, the service of the applicant is required at Ludhiana.
- (v) If the applicant joins at Ludhiana, he would be paid his usual salary.
- (vi) The applicant carries with him an All-India transfer liability.

The applicant has failed to make out a case to the contrary.

4. Accordingly, we permit the applicant to join his place of transfer at Ludhiana either physically, if means of transportation are available or online within a week and direct the authorities to allow him to resume his duties at Ludhiana either physically or virtually as the case may be, and release as assured his salary and arrears, in accordance with law immediately thereafter.

5. O.A stands disposed of with the directions as above. No costs. M.As
 consequently stands disposed of.



(Nandita Chatterjee)
 Member (A)

(Bidisha Banerjee)
 Member (J)

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