

CENTRAL ADMINISTRATIVE TRIBUNAL -  
CALCUTTA BENCH  
KOLKATA

**LIBRARY**

OA. 350/657/2020

Date of order: 15.10.2020

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Dipak Ghosh,  
Son of Biswanath Ghosh,  
A resident of 20/1 Panchanantala Road,  
Athpur, P.S. - Jagaddal,  
P.O. - Athpur,  
Dist - North 24 Paraganas,  
Pin - 743 128;

..... Applicant.

-Versus-

1. The Union of India,  
Service through the Secretary,  
Ministry of Defence 234 South Block,  
New Delhi - 110011.
2. Directorate General (Personnel) E-IN-C's Branch,  
HQ of MoD Army HQ Military Engineer Services,  
Kashmir House, Rajaji Marg,  
New Delhi - 110011.
3. To The Concern Officers HQ CE (Fy) Hyderabad,  
Opposite to Parade Ground,  
Saddar Patel Road,  
Secunderabad - 03.
4. HQ Eastern Command,  
Engineer Branch,  
Fort William, Kolkata - 700021  
C/O - 99 APO.
5. GE (I) (P) Fy Ichapore,  
P.O. - Nawabganj - Ichapore,  
Dist - North 24 Paraganas,  
Pin - 744314.

..... Respondents .



For the Applicant : Mr. D. Kar, Counsel

For the Respondents : Mr. S. Paul, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard.

2. This OA has been preferred by the applicant seeking the following reliefs:

"8.(a) An order directing the Respondent Ministry of Defence, General (Personnel), E-IN-C's Branch, IHQ of MoD Army HQ Military Engineer Services and HQ Eastern Command, Engineer Branch, Fort William, Kolkata, HQ CE (Fy) Hyderabad & GE (I) (P) Fy Ishapore authorities to grant appointment to the Applicant dated 17 Aug 2020 to the Defer of Move till upto 31<sup>st</sup> May 2021 based on Para 4.6 and 4.7

(b) An order directing the Respondent Ministry of Defence, Directorate General (Personnel), E-IN-C's Branch, IHQ of MoD Army HQ Military Engineer services and HQ Eastern Command, Engineer Branch, Fort William, Kolkata, HQ CE (Fy) Hyderabad & GE (I) (P) Fy Ishapore authorities to ensure that the Applicant does not suffer in terms of Leave regularise in absence period wef 18 Aug 2020 to till court order and my regular pay bill for the month of September 2020 does not stop and pay continued running till further next order and other benefits accrued to the defer of move till upto 31<sup>st</sup> May 2021

(c) The all cost incurred by the applicant in filing the case has to be settled within 07 days if not timely returned to repay according to Bank interest. That the applicant will show the cost will be accepted and no bill will be required for this.

(d) Applicant may not be posted beyond 4 Km till further next order.

(e) Those who are directly involved in the matter have to show cause as to why such letter was issued.

(f) Such further order orders as this Hon'ble Tribunal may seem fit and proper for the ends of justice;"

3. Ld. Counsel for applicant submits that the applicant is unable to proceed to the place of transfer as his wife has met an accident in this year on which ground earlier he was found considered and his transfer was deferred.



BD

4. Since, this fact is conspicuously <sup>missing</sup> rising in his representation, we permit the applicant to prefer a comprehensive representation elaborating his problems seeking consideration, within a period of 2 weeks from the date of receipt of a copy of this order. In the event, such representation is preferred, the competent authority shall consider and dispose it of, in accordance with law, within a period of 2 weeks thereafter.

Therefore, till disposal of his representation the applicant if on leave, shall be on leave.

5. We would discern that the applicant stood already relieved on 14.08.2020.
6. The present OA would stand disposed of accordingly. No costs.



(Nandita Chatterjee)  
Member (A)

pd

(Bidisha Bānerjee)  
Member (J)