

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRA

O.A/350/681/2020

Date of Order: 30.09.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Tarun Shridhar, Administrative Member

Shri Alok Kumar Das,
Son of Late Anandamoy Das,
Aged about 54 years,
Residing at 7th Mile, Reshambari,
CSB Staff Quarter No. 8, Rishi Road,
Kalimpong – 734301,
West Bengal,
Now presently posted at SSPC, Debinagar,
Raiganj as an Assistant Superintendent (Administration),
Under Central Silk Board, Ministry of Textiles,
Government of India under the control and authority of
Scientist-B and Incharge of Central Silk Board,
Ministry of Textiles, Government of India,
SSPC, CSB, Debinagar, Raiganj,
Uttar Dinajpur – 733123;



.... Applicant.

Versus

1. Union of India,
Service through the Secretary,
Ministry of Textiles,
Government of India,
Udyog Bhawan,
New Delhi – 110011.
2. The Central Silk Board,
Ministry of Textiles,
Government of India,
Service through the Member Secretary,
CSB Complex, BTM Layout, Madivala,
Bangalore – 560068.
3. The Joint Director (Administration),
The Central Silk Board,
Ministry of Textiles,
Government of India,
CSB Complex, BTM Layout, Madivala,
Bangalore – 560068.
4. The Assistant Director (A&A),
Central Sericultural Research & Training Institute,
Central Silk Board,
Ministry of Textiles,
Government of India,
Berhampore – 742101,
District – Murshidabad.

5. The Scientist-D of Regional Sericultural Research Station, Central Silk Board, Ministry of Textiles, Government of India, Kalimpong – 734301.
6. The Scientist-B and Incharge, Silkworm Seed Production Centre (SSPC) Under Central Silk Board, Ministry of Textiles, Government of India. Debinagar – 733123.

... Respondents.

For The Applicant(s): Mr. P. C. Das, Counsel
Ms. T. Maity, Counsel

For The Respondent(s): Ms. P. Goswami

O R D E R (O R A L)

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

Heard ld. counsel for both sides.

2. The applicant has sought for the following reliefs:

"8.a) To quash and/or set aside the impugned speaking order being No. CSB-18T(10)/88-ES.I/Vol. II dated 15.11.2019 issued by the Joint Director (Administration) Central Silk Board, Ministry of Textiles, Government of India, CSB Complex, BTM Layout, Madiwala, Bangalore whereby the transfer from RSRS, Raiganj to SSPC, Kalimpong claimed by the applicant in terms of the Office Memo dated 30.09.2009 issued by the DOP&T and in terms of the Transfer Policy has been rejected by violation of the same and the respondent authority did not follow the order dated 15.10.2019 passed by this Hon'ble Tribunal in OA No. 350/1439/2019 being Annexure A-3 of this original application;

b) To pass an appropriate order directing upon the respondent authority that in terms of the circulation dated 19.12.2019 the case of the applicant for re-posting/transfer him to RSRS Kalimpong may be considered in view of the fact that his wife is a central government employee working at Kalimpong and in terms of the office memo dated 30.09.2009 issued by the DOPT your applicant is entitled for posting at Kalimpong since he has carried earlier five transfer orders and despite several requests the respondent authority did not consider the same till now by violation of the observation made by this Hon'ble Tribunal in the order dated 15.10.2019 in OA No. 350/1439/2019;

c) To pass an appropriate order directing upon the respondent authority to issue posting order immediately in favour of the applicant in the office of Kalimpong under Central Silk Board in terms of their circular dated 19.12.2019 and in view of the fact that the Ministry of Textiles has already taken a decision on 29.07.2020 that the unit of SSPC Raiganj will be closed where your applicant is presently working to the post of Assistant Superintendent (Administration).



d) Costs;

e) Any other order or orders as Your Lordships may deem fit and proper;"

3. The applicant has approached this Tribunal assailing the Order dated 15.11.2019 vide which his request for modification of his transfer from Raiganj to RSRS Kalimpong has been rejected.

4. At hearing, Ld. counsel for the respondents would place a document which manifests that the Raiganj office, where the applicant is proposed to be transferred to, has been declared as closed vide order dated 03.07.2020.

5. In view of such, we direct the authorities to consider the representation of the applicant and issue an appropriate order in modification of the transfer order in question, by 4 weeks.

6. Till such time, the applicant shall not be compelled to join the place of transfer i.e at Raiganj.

7. This O.A. stands disposed of accordingly. No costs.

8. Copy of the order be supplied to both sides. Liberty is granted to the counsels to intimate the department the gist of this order.

(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member (J)

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