

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. No.350/01005/2019.

Date of order : This the 21st Day of October, 2020.

Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Mr Tarun Shridhar, Administrative Member



Dr Prakash Chandra Hazra

.....Applicant

By Advocate Mr B. Samanta.

- Versus _

Union of India & Ors.

...Respondents

None present for the respondents

ORDER (ORAL ON INTERIM PRAYER)

The applicant Dr Prakash Chandra Hazra is a senior Chief Medical Officer in the office of CGHS, Kolkata and is aggrieved by his transfer to Agartala. Basis of this transfer is a complaint made by the Deputy Director of the Enforcement Directorate, wherein it has been alleged that Dr Hazra is in contact with an accused in an investigation under the Prevention of Money Laundering Act 2002 and is trying to influence the case.

2. Ld. Counsel for the applicant has alleged vindictiveness on the part of the Deputy Director and draws our attention to her application for issuance of a CGHS Card which was not accepted by Dr Hazra on account of lack of jurisdiction. Ld. Counsel also draws our attention to the sequence of events i.e. the application is made on 8.5.2020 and immediately thereafter on 14.5.2020, Dr Hazra was summoned to the office of Enforcement Directorate seeking details of movable and immovable assets owned by him and his family, bank accounts held in his name and in the name of his family members and his income tax returns of last 3 years and his family members. Dr Hazra replied to these summons that since there was no case against him nor was he involved in any such case, he should be exempted from personal appearance. Further, request was made that on account of current pandemic situation and his critical role as a Medical Officer, summoning him was improper, especially when there were no cogent reasons. Another summon was issued on 29.05.2020 again asking him to appear before the Enforcement Directorate with the same details and documents. Dr. Hazra on 05.06.2019 attended the office of Special Director, Enforcement Directorate and submitted the requisite documents. However, the Dy. Director on 22.07.2020 made a request to Director, CGHS to consider transferring Dr.



Hazra out of West Bengal to any other State on the alleged influence he was making in the case.

3. It is pertinent to note that the case under the Prevention of Money Laundering Act, 2002 was pending against Shri Snehasish Kar, UDC, CGHS Kolkata and not against the applicant Dr. Hazra, who is a senior Chief Medical Officer. Further, in none of the cases the Enforcement Directorate disclosed as to how the applicant was involved in any money laundering case nor why the requisite details and documents are required and why his presence in the Enforcement Directorate is necessary. However, it is not in our jurisdiction to get into the investigation under the Prevention of Money Laundering Act, 2002. However, the sequence of event leading to the transfer of Dr. Hazra is curious. Further, the communication of the Dy. Director of the Enforcement Directorate states, "it is requested to consider transferring him out of West Bengal to any other State". So it is clear that it was only a request for considering a transfer. The language clearly indicates that it is neither a direction nor any recommendation. Although, the transfer has been effected on the recommendation of the transfer committee, we direct the respondents to reconsider the Transfer Order No. C.18013/1/2019-CGHS dated 09.10.2020 in the light of the circumstances and sequence of events and also the

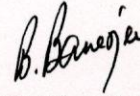


fact that the Deputy Director, Enforcement Directorate had merely made a request of transfer and not an unambiguous recommendation. The matter shall be reviewed and decided within a period of four weeks from the date of this order. Meanwhile, the applicant shall not be compelled to comply with the said transfer order and allowed to perform his current duties in Kolkata.

List on 20.01.2021 for hearing.



(TARUN SHRIDHAR)
MEMBER (A)



(BIDISHA BANERJEE)
MEMBER (J)

