



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
KOLKATA**

O.A. NO. 350/432 OF 2020

In the matter of:

SMT. KANCHAN SARKARApplicant

-Versus-

UNION OF INDIA AND OTHERS.

.....Respondents

DETAILS OF THE APPLICANT :

Particulars of the Applicant:

Name, husband's name, age and

Address of the applicant

: Kanchan Sarkar.

Aged about 52 years

wife of Shri Biswajit Roy, Indiarapally,
shibmandir, Opposite Lane to Inden Gas
Agency, P.O.- Kadamtala, District-
Darjeeling, West Bengal, Pin-734011.

.....Applicant

Particulars of the Respondents:

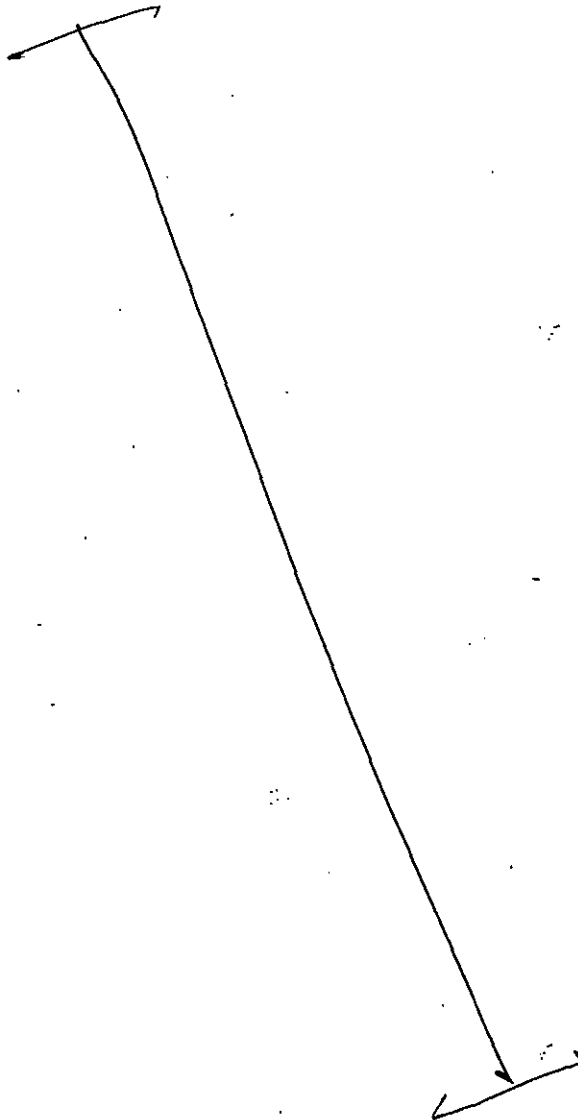
Name and designations of the

respondents along with their official addresses. :

1. The Union of India, Service through the Secretary to the Government of India, Ministry of Home affairs, Intelligence Bureau, North Block, New Delhi, Pin Code- 110001.
2. The Director, Intelligence Bureau, Government of India, 35, Sardar Patel Marg, New Delhi, Pin Code- 110021.
3. The Joint Director, Intelligence Bureau, Government of India, 35, Sardar Patel Marg, New Delhi, Pin Code- 110021.

4. The Joint Deputy Director, Intelligence Bureau, Government of India, 35, Sardar Patel Marg, New Delhi, Pin Code- 110021.
5. The Joint Deputy Director, Subsidiary Intelligence Bureau, Siliguri, D.B.C. Road (near Indoor Stadium), Post Office- Siliguri Town, District- Darjeeling. Pin No. 734004.

.....Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA/350/432/2020

Date of Order: 03.07.2020

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

Kanchan SarkarApplicant

Vrs.

Union of India & Ors.Respondents

For the Applicant(s): Ms. S.Sehanabis (Mandal), Counsel

For the Respondent(s): Mr. R.Halder, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels appearing for both the parties.

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


"8.(a) To direct the respondents and each of them to forbear from giving effect to and/or further effect to rescind, recall, set aside and cancel the reasoned order dated 08.01.2020 passed by the Joint Deputy Director, Intelligence Bureau, Ministry of Home affairs, Government of India, New Delhi and all consequential and subsequent release orders time to time issued by the respondent authority including last release order dated 20.05.2020 as on date, issued by the Joint Deputy Director, Subsidiary Intelligence Bureau (MHA), Government of India Siliguri;

(b) To direct the respondents and each of them to allow the applicant to continue her service in her present place of posting i.e., SIB Siliguri or any other places like SIB Naxalbari, West Bengal or BOI, Bagdogra as she already mentioned in her comprehensive representation in the light of the circular date 30th September 2009 issued by the Government of India, Ministry of Personnel, Public Grievances and pensions (Department of Personnel and Training);

(c) Leave may be granted under Sub-Rule 5(b) of Rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987;

(d) Cost and incidentals;

(e) To pass such further order or orders, direction or direction as your Lordship may deem fit and proper;"



3. The applicant is aggrieved with the impugned reasoned order dated 08.01.2020 passed by the Joint Deputy Director, I.B., pursuant to the order dated 13.12.2019 passed by the Hon'ble Tribunal in O.A.No. 1649/2019, transferring her from Subsidiary Intelligence Bureau, Siliguri to Dibrugarh, Assam. Ld. Counsel for the applicant would submit that the case of the applicant has not been considered in its proper perspective and hence she wishes to make a fresh representation to the authorities to exercise her choice for the places where the vacancies are still available and she can be posted along with her husband.

4. Ld. Counsel for the respondents has no objection for consideration of such representation.

5. In view of the above, we are of the considered opinion that no prejudice shall be caused to either of the sides if this O.A. is disposed of with a direction to the applicant to make a fresh comprehensive representation before the competent authority before two weeks indicating her choice of places where the vacancies are available and she can be posted along with her husband. Accordingly, the competent authority is directed to consider such representation within two weeks from the date of receipt of the same.

6. It is made clear that till the representation is considered and result communicated to the applicant, she shall not be compelled to join the present place of posting.

This O.A. stands disposed of accordingly.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

RK