

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00239/2020

Date of Order: This, the 06th day of November 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)



Shri Gautam Ranjan Das
 Age 47 years old
 S/o Shri Girban Ranjan Das
 Presently serving as Surveyor
 Meghalaya & Arunachal Pradesh
 Geo-Spatial Data Centre, Malki
 Shillong – 793001, East Khasi Hills District
 Meghalaya.

...Applicant

By Advocates: Sri S. Das & Smt. H. Das

-Versus-

1. The Union of India
 Represented by the Secretary
 Ministry of Science & Technology
 Department of Survey of India
 New Mehrauli Road
 New Delhi – 110016.
2. The Director
 Meghalaya and Arunachal Pradesh
 Geo-Spatial Data Centre, Malki
 Shillong – 793001, East Khasi Hills District
 Meghalaya.
3. The Superintending Surveyor
 Meghalaya and Arunachal Pradesh
 Geo-Spatial Data Centre, Malki
 Shillong – 793001, East Khasi Hills District
 Meghalaya.

4. The Deputy Superintending Surveyor
 Meghalaya and Arunachal Pradesh
 Geo-Spatial Data Centre, Malki
 Shillong – 793001, East Khasi Hills District
 Meghalaya.

...Respondents.

By Advocate: Sri S.K. Ghosh, Addl. CGSC

O R D E R (ORAL)



MANJULA DAS, MEMBER (J)

This matter has been taken up through video conferencing.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with a prayer for setting aside the impugned transfer order dated 28.08.2020 by which the applicant Sri Gautam Ranjan Das, Surveyor has been transferred to U.P. GDC, Lucknow and consequential movement order dated 03.09.2020. He also prays for setting aside the show cause Notice/Letter dated 06.10.2020.

3. Sri S. Das, learned counsel appearing for the applicant submitted that vide order dated 28.08.2020, applicant has been transferred from Shillong to Lucknow which is bad in law. The ground has been set forth by the



applicant is that his father is aged about 80 years old and under medical treatment. He is the only person to look after him. He immediately made a representation before the respondent authority for allowing him to stay at Shillong which was rejected by the authority on 03.09.2020. On the same day i.e. 03.09.2020, the movement order was issued to the applicant. As the applicant has not complied with order of the department in time, a show cause Notice was issued to him by the authority on 06.10.2020 by stating that – “though you were asked to move for carrying out essential survey work at East UP GDS within one week's time, however he was not complied with the said instructions issued by the authority. In view of his above acts of unbecoming of Govt. servant and dereliction of Govt. duties, he was hereby asked to explain, why disciplinary action should not be taken against you for your above acts, which are against the conduct rules. Your explanation should reach to this office within 10 days.”

4. However, the applicant did not make any reply rather approached this Tribunal for challenging the transfer order dated 28.08.2020, movement order dated 03.09.2020 and show cause notice dated 06.10.2020.

5. It was further submitted by the learned counsel for the applicant that applicant has already submitted his application for voluntary retirement on 04.09.2020 under the Voluntary Retirement Scheme before the respondent No. 2 i.e. the Director, Meghalaya and Arunachal Pradesh Geo-Spatial Data Centre, Survey of India, Malki Point, Shillong-793001, East Khasi Hills District, Meghalaya. According to the learned counsel, under the compelling circumstances, made this application for voluntary retirement and as such, till consideration of voluntary retirement, applicant may be allowed to continue at Shillong.



6. On the other hand, Sri S.K. Ghosh, learned Addl. CGSC appearing for the respondents submitted that the movement order was issued long back on 03.09.2020 and the applicant even did not make the reply against the show cause notice dated 06.10.2020 within the stipulated period. In view of that, this Tribunal may not interfere with the decision of the department.

7. I have heard Sri Simanta Das, learned counsel for the applicant and Sri S.K. Ghosh, learned Addl. CGSC for the respondents. Perused the pleadings and all the documents.

8. The present O.A. has been filed by the applicant against the transfer order which was issued on 28.08.2020 and thereafter, movement order was issued on 03.09.2020 and show cause notice was issued on 06.10.2020 on the ground that the applicant is unable to move from Shillong leaving his father who is 80 years old and is ailing and under treatment. He made representation before the authority against the transfer and movement order. However, the authority did not accept rather rejected the same. As the applicant did not comply with the order of the department, show cause notice was issued to the applicant on 06.10.2020 by giving 10 days time to explain as to why disciplinary action will not be initiated against him.

9. It is noticed that the applicant has already made application on 04.09.2020 for voluntary retirement under Voluntary Retirement Scheme. It is further noted that the applicant has already completed for more than 05 years at Shillong. It is also noted that the department has considered and rejected the representation made by the applicant against the transfer and movement order. In view of that, I am not inclined to interfere with the transfer and movement order in view of the facts that there is no



such malafide or any violation of the statutory rules or guidelines exists. However, taking in to consideration the application for voluntary retirement made on 04.09.2020 and as 03 months will be completed on 04.12.2020, I hereby deem fit and proper to direct the applicant to submit reply against the show cause notice dated 06.10.2020 within a period of 10 days and till consideration of the voluntary retirement application dated 04.09.2020, applicant be allowed to continue at Shillong only on the ground of voluntary retirement application. Ordered accordingly.



10. With the above observations and directions, O.A. stands disposed of accordingly at the admission stage.
11. There shall be no order as to costs.

**(MANJULA DAS)
MEMBER (J)**

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