

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00302/2017

Date of Order: This, the 18th Day of February, 2021

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

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Shri Subodh Chandra Das, SAO
A/C No. 8331588
S/O Bhupati Mohan Das
Qtr. No. 6/6
DAD Residential Accommodation
Deimseion, Meghalaya
Shillong – 793013.

... Applicant

- Versus -

1. The Union of India
Represented through Secretary
Government of India
Ministry of Defence, New Delhi – 110001.
2. The Controller General of Defence Accounts
Office of the CGDA
Ulan Batar Road, Palam
Delhi Cantt. – 110010.
3. The Senior Deputy Controller General
Of Defence Accounts (Admn.)
Office of the CGDA
Ulan Batar Road, Palam
Delhi Cantt. – 110010.

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4. The Controller of Defence Accounts
Udayan Vihar, Narengi
Guwahati – 781 171.
5. Pramod Kumar
The Controller of Defence Accounts
Udayan Vihar, Narengi
Guwahati – 781 171.

...Respondents.

For the Applicant : Sri M. Chanda & U. Dutta

For the Respondents : Sri S.K. Ghosh, Addl. CGSC



ORDER (ORAL)

MANJULA DAS, MEMBER (J):-

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

"8.(i) That the Hon'ble Tribunal be pleased to set aside and quash the impugned speaking order dated 01.12.2016.;

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to treat the leave, availed by the applicant under compulsion for the period from 01.10.2015 to 31.03.2016 to be treated as duty for all purposes with a further direction to grant Pay & Allowances due and admissible to the applicant due to arbitrary denial of deferment of his transfer and posting order dtd. 27.04.2015 whereby applicant was transferred from Guwahati to Shillong during the middle of the Academic

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Session when his daughter, who was due to appear in the final examination of Class X in the month of February/March 2016.

8.3 Cost of the application.

8.4 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper."



2. At the outset of the argument, Smt. U. Dutta, learned counsel appearing for the applicant fairly submitted that the instant matter does not survive so far the transfer of the applicant is concerned who made request before the respondent authorities for deferment of the transfer and posting order dated 27.04.2015 for two months. Accordingly, after two months, the applicant joined in his new transfer place of posting.

3. On the other hand, Sri S.K. Ghosh, learned Addl. CGSC appearing for the respondents submitted that absence period of the applicant was w.e.f. 01.10.2015 to 31.03.2016 i.e. immediately after the transfer order was issued and till the disposal of the representation dated 28.04.2015 by the authority. He further submitted that applicant's unauthorised absence before passing of the speaking order was also regularised. However,

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while in compliance of the order passed by this Tribunal on 20.06.2016 in O.A. No. 040/00189/2016, the Controller of Defence Accounts, Udayan Vihar, Narangi, Guwahati vide his Speaking Order dated 01.12.2016 advised the applicant to do needful and to submit his applications in regard to regularization of leave etc. on his part immediately for consideration of the competent authority. According to Sri Ghosh, applicant had made application before the competent authority on 18.04.2016 with the request to accord sanction for counting the absence period from 01.10.2015 to 31.03.2016 for all pensionary benefits as duty as the Department/Organization forcibly kept him out of office by relieving him on 30.09.2015.



4. Smt. U. Dutta, learned counsel appearing for the applicant however, submitted that so far the period of absence from 01.10.2015 to 31.03.2016, the salary has not been settled.

5. In view of the above, though the matter is infructuous, however, some relative assessment to be

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carried out by the respondents for finally settlement of the issue regarding of pensionary benefits for final settlement in accordance with law. Ordered accordingly.

6. The exercise to the above extent be completed by the respondent authorities within a period of two months from the date of receipt a copy of this order.



7. Accordingly, O.A. stands disposed of. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

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