

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A/350/426/2021

Date of Order: 10.03.2021

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

Sri Animesh Mondal,
Son of Sri Kartick Mondal,
of 473, Sahid Khudiram Bose Sarani
Police Station – Dum Dum,
Kolkata – 700 030.

..... Applicant.

-Versus-



1. The Union of India
service through the Secretary,
Department Ministry of Home Affairs,
North Block,
New Delhi – 110001.
2. The Additional Director,
Kolkata (AX/Kol)
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, 9/1, Gariahat Road,
Kolkata – 700 019.
3. The Assistant Director/ Establishment (AD/E)
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, Nizam Palace,
Kolkata – 700 020.
4. The Additional Director,
Establishment Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India, 35, Sardar Patel Marg,
New Delhi – 110 021.
5. The Joint Deputy Director/C3
Intelligence Bureau HQ
New Delhi, 35, Sardar Patel Marg
New Delhi – 110 021.
6. The Deputy Director/ Establishment
Intelligence Bureau,
New Delhi, 35, Sardar Patel Marg,
New Delhi – 110 021.

..... Respondents.

For The Applicant(s): Mr. A. K. Mukherjee, counsel

For The Respondent(s): Mr. D. Banerjee, counsel

ORDER (ORAL)

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

Heard ld. counsel for both parties.

2. This application has been preferred to seek the following reliefs:

"8.a) Declaration that the impugned order of transfer of your applicant in annexure A-1 to this petition passed by the Respondent No. 3 with the approval of the Respondent No. 2 is thoroughly illegal, arbitrary, bad in law, void ab initio, malafide as it has been passed in partial modification of the original order passed by the IB Head Quarter, New Delhi being the competent authority and as such the impugned order of transfer in annexure A-1 to this petition is liable to be set aside and/or cancelled and/or revoked and/or withdrawn for ends of justice in consideration of the facts and circumstances of the present case.

b) Declaration that the impugned order of release in annexure A-3 and A-4 to this petition are also thoroughly illegal, arbitrary, bad in law, malafide and without jurisdiction as the order of release without being approved by the IB Hqrs being the competent authority the said order of release in annexure A-3 and A-4 have been passed by the Respondent no. 3 with the approval of the Respondent no. 2 both of whom not being the proper authority to pass such order and as such order of release in annexure A-3 and A-4 are liable to be cancelled and/or revoked and/or withdrawn for ends of justice.

c) Declaration that the representation made by your applicant vide his letter of appeal dated 22.02.2021 in annexure A-2 relating to your applicant's change of his place of posting either at IB HQR or at (2) SIB Mumbai or at SIB Aizawl being legal and made on medical ground and that should have been duly considered and allowed by the competent authority being the Respondent no. 4 purely on medical ground and not by the Respondent nos. 2 and 3."

3. At hearing, ld. counsel for the applicant would submit that, the grievance of the applicant is that he is an employee of SIB in the capacity of an Assistant Intelligence Officer-I and has been transferred from SIB Kolkata to Raipur vide order dated 15.02.2021 (Annexure-A/1). As 7 days time was granted to the affected employees to represent against such transfer, the applicant preferred representation on 23.02.2021 requesting for change of his place of transfer to IB Hqrs New Delhi or SIB Mumbai or at SIB Aizawl on medical grounds but the same has been rejected by the



Respondent No. 3 with the approval of the Respondent No. 2 and he has been directed to join at Raipur w.e.f 15.03.2021/AN.

Ld. counsel for the applicant alleges that the authority who has passed such order is not the competent one. Accordingly, he has approached this Tribunal seeking the above relief.

4. Since the applicant alleges that the order has not been passed by the competent authority, we dispose of the O.A by directing the respondents to forward the representation of the applicant to the IB Headquarter for appropriate reconsideration within a period of six weeks.



We make it clear that till the representation of the applicant is reconsidered and result communicated to the applicant, no coercive action shall be taken against the applicant.

5. The O.A accordingly stands disposed of. No costs.


(Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)

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