

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00549/2021

Date of order : 31.3.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Baby Hela,
 Wife of Late Arjun Hela,
 Aged about 45 years,
 Working as Laboratory Assistant,
 ICMR-NICED, Kolkata,
 10/C, 28, Wards Institution Street,
 Kolkata,
 West Bengal - 700 006.

... Applicant

VERSUS -

1. Union of India,
 Service through the Secretary,
 Ministry of Health & Family Welfare,
 Department of Health Research,
 Red Cross Building,
 New Delhi - 110 001.
 2. The Director General,
 Indian Council of Medical Research (ICMR),
 V. Ramalingaswami Bhawan,
 P.O. Box No. 4911,
 Ansari Nagar,
 New Delhi - 110 029,
 India.
 3. The Sr. Administrative Officer,
 Indian Council of Medical Research,
 V. Ramalingaswami Bhawan,
 P.O. Box No. 4911,
 Ansari Nagar,
 New Delhi - 110 029,
 India.
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4. The Director,
 ICMR – National Institute of Cholera and
 Enteric Diseases (NICED),
 P-33, CIT Road,
 Scheme XM,
 Beleghata,
 Kolkata – 700 010,
 India.

..... Respondents

For the Applicant : Mr. Arpa Chakraborty, Counsel
 For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)

Dr. Nandita Chatterjee, Administrative Member:

Aggrieved with the order of transfer at Annexure A-2 to the O.A., the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) Order of Transfer being No. 19/06/2020-Admn.I dated 02.02.2021 issued by the respondent No. 3 and release order, if any as consequence thereof, issued by the respondents are not sustainable in the eye of law and as such the same may be quashed.
- (b) An Order do issue directing the respondents to properly consider the case of the applicant at an earliest and thereby to allow her to perform at her present place of posting under respondent No. 4 as Laboratory Assistant at ICMR-NICED, Kolkata.
- (c) To grant Costs and incidentals.
- (d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

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3. Ld. Counsel for the applicant would submit that the applicant had joined the respondents' services as a Sweeper on 20.7.1998 with basic educational qualification. She is presently working as a Laboratory Assistant with the Office of the respondent No. 4. The applicant was served with an Office Order dated 2.2.2021 wherefrom it transpired that the respondents have decided that some of the technical cadre personnel would be utilized in the works of Administration, Finance and Accounts based on their educational qualification in addition to their normal duties. In such backdrop, the applicant was posted to RMRIMS, Patna.

The applicant made a detailed representation dated 4.2.2021 stating that her husband had expired in January, 2021, and, that, she is a recently widowed women living alone with a dependent girl child, and, accordingly, would find it very difficult to settle in a new state being uprooted from her place of domicile. As such representation remains unattended, Ld. Counsel would urge consideration of the representation in a time bound manner.

4. Ld. Counsel would submit that the representation of the applicant is under consideration of the ICMR Headquarters at New Delhi.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the competent respondent authority is directed to decide in accordance with law on the applicant's prayer dated 4.2.2001 (Annexure A-3 to the O.A.) within a period of 4 weeks from the date of receipt of a copy of this order. The authorities should sympathetically consider that the applicant has been recently widowed, she is a mother of a dependent girl child and is finding it

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hard to address the consequences of mental trauma and hardships caused by sudden expiry of her husband.

The decision of the authorities should be conveyed to the applicant in the form of a reasoned and speaking order.

No coercive action should be taken against the applicant till disposal of her representation.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP