



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(Through Video Conferencing)

O.A/350/828/2021

Date of Order: 25.06.2021

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

Avijit Ghosh,
Son of Lakshmi Kanta Ghosh,
Aged about 40 years,
Working as Inspector of Posts,
Kandi Sub-Division
Under Murshidabad Division,
Residing at Talpukur Para,
P.O. & P.S. Ranaghat,
District : Nadia, Pin - 741 201.

..... Applicant.



-Versus-

1. Union of India,
Service through the Secretary
To the Govt. of India,
Department of Post,
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
2. Chief Postmaster General,
West Bengal Circle,
Yogayog Bhawan, C.R. Avenue,
Kolkata - 700012.
3. Postmaster General,
Kolkata Region,
West Bengal Circle,
Yogayog Bhawan, C.R. Avenue,
Kolkata - 700012.
4. Director of Postal Services,
Kolkata Region,
Yogayog Bhawan, C.R. Avenue,
Kolkata - 700012.
5. Assistant Director of Postal Services-I,
Kolkata Region,
Yogayog Bhawan, C.R. Avenue,
Kolkata - 700012.
6. The Superintendent of Post Offices,
Murshidabad Division,
Berhampore - 742101

..... Respondents.

For The Applicant(s): Mr. B. Chatterjee, counsel

For The Respondent(s): Mr. K. Prasad, counsel

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Member (A):

Being aggrieved with an order of transfer from Kandi Sub Division under Murshidabad Division to Sainthia Sub Division under Birbhum Division, the applicant has approached this Tribunal praying for the following relief:

"8.(a) An order quashing and/ or setting aside the Order of Transfer dated 07.05.2021 so far as it relates to the applicant;

(b) An order directing the respondent authorities to consider the posting of the applicant at any of the places as per his options at Annexure A-3 to the Original Application and further directing them to consider the representations made by the applicant sympathetically and favourably in view of the grounds stated in the said representations;

(c) An order directing the respondents to produce/ cause production of all relevant records;

(d) Any other or further order or orders or direction as to Your Lordships may deem fit and proper."

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

3. The submission of the ld. Counsel for the applicant is that, the applicant has been working as Inspector of Posts and is presently posted at Kandi Sub Division. Since his promotion to the post of Inspector of Posts in 2014, he has been posted far away from his hometown/residence, being initially at Kakdwip Sub Division, followed by Nadia North Division and thereafter at Kandi Sub Division respectively.

In response to a circular, dated 17.02.2021, from the authorities (at Annexure A-2 to the O.A), the applicant offered his choice for posting at Nadia North or Nadia South Division, justifying his request/choice on personal grounds. Despite such conscious choice, which was preferred in

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response to the circular of the authorities, the applicant was arbitrarily transferred to Birbhum Division and, hence, being aggrieved, the applicant has approached this Tribunal praying for the above-mentioned relief.

Ld. Counsel for the applicant would also furnish, by way of a supplementary affidavit, that, one Abhijit Dutta, who was also under consideration for transfer, was accommodated by the respondent authorities to be retained at his home station, whereas, despite this Tribunal's intervention in the context of the applicant, the respondents have failed to respond to his representations in a positive manner.



4. Despite directions, we find no instructions on record from the respondent authorities as to whether the representations of the applicant dated 10.05.2021 as well as 22.05.2021 (Annexure A-7 and A-9 to the O.A) have been considered.

5. Accordingly, without entering into the merit of the matter, we would direct the addressee respondent or any other competent authority to dispose of the representations of the applicant dated 10.05.2021 as well as 22.05.2021 (Annexure A-7 and A-9 to the O.A) in accordance with law as well as extant transfer policies, within a period of 6 weeks from the date of receipt of a copy of this order.

Till the disposal of such representations, one (1) post either at Nadia North or at Nadia South Division, as opted for by the applicant, may be kept vacant by the authorities.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)