

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/933/2021

DATE OF ORDER: 07.07.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Nandita Chatterjee, Administrative Member



1. Rohit Deb Barma, son of Shri Upendra Deb Barma, aged about 50 years (date of birth - 07.01.1971), P.No. 99186, working as Joint General Manager, in Metal & Steel Factory, Ishapore and residing at 25/W, The Park Defence Estate, Ishapore, P.O. Nawabganj, North 24 Parganas - 743144.

.....Petitioner/Applicant

-Versus-

1. Union of India, through The Secretary, Department of Defence Production, Ministry of Defence, Government of India, South Block, New Delhi - 110011.
2. The Director General - Cum-Chairman, Ordnance Factory Board, Ministry of Defence, Government of India, 10A, Shaheed Khudiram Bose Road, Kolkata - 700001.
3. The General Manager, Indian Ordnance Factories, Metal & Steel Factory, Ishapore, Post Office - Ishapore - Nawabganj, District - 24 Parganas(North), Pin- 743144.
4. General Manager, Grey Iron Foundry Jabalpur, Madhya Pradesh, Pin-482011.
5. The Secretary, Ordnance Factory Board, 10A, Shaheed Khudiram Bose Road, Kolkata-700001.

For the Applicant : Mr. B. R. Das & Mr. K. K. Ghosh, Counsel
For the Respondents : Mr. S. Paul, Counsel

PS

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Learned Counsels for both the parties.

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

- "8.(I) *Defer the transfer order A1 in so far as it concerns the petitioner in accordance with clause 6 of the Transfer Policy (A4).*
- (II) *Consider the representation being Annexure -A2 submitted before the Respondent No.2.*
- (III) *Certify the transmit the entire records and papers pertaining to the applicant's case to that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in I to III, above.*
- (IV) *Pass such other order/orders and/or directions as deemed fit and proper.*
- (V) *Costs."*



3. At hearing it transpired that the applicant's representation dated 31.05.2021 asking for retention was considered at the O.F.B level and rejected by an order dated 30.06.2021.

4. Ld. Counsel for the applicant at hearing would seek benefit of para-6 of the MoD policy dated 11.09.2015 at Annexure-A/4, which reads as under:

"Request of an officer for retention at a station maximum by one year may be considered on grounds of education of his/her children once in entire service career."

5. As we find that while making earlier representation the applicant had not referred to the said clause, Ld. Counsel for the applicant agreed to prefer a fresh comprehensive representation for appropriate consideration in terms of the said policy. Accordingly, without entering into the merits of the matter, we dispose of the O.A. with liberty to the

applicant to prefer fresh comprehensive representation seeking benefit of para-6 of the MoD Policy dated 11.09.2015 as contained in Annexure-A/4 within a period of 15 days of receipt of a copy of this order, which if preferred, shall be considered in accordance with the said paragraph-6 of the MoD Policy as extracted supra and an appropriate order shall be passed within a period of two months thereafter. Till such time, the applicant will not be compelled to join his place of transfer as we find from the submission of Ld. Counsel for the applicant that his releasing order has been issued on 01.07.2021 but, Ld. Counsel for the applicant submits that the applicant is not available in the office as he is in quarantine and, therefore, he is not in receipt of the releasing order.

6. The O.A, accordingly, stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

MKS/UJ