

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA  
(Through video conferencing)**



O.A/350/1239/2021

Date of Order: 12.08.2021

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

Ms. MONALISA BHATTACHARYA, wife of Shri Suman Bhattacharya, aged about 46 years, residing at 133, Sector B, Metropolitan Housing Society, Kolkata- 700105 and presently working to the post of Section Officer (G) in the office of CSIR-IICB, Jadavpur, Kolkata 700032 under the Director, CSIR Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Kolkata 700032 under authority of the control and the Director General, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

...APPLICANT

-VERSUS

1. Union Of India service through the Secretary, Ministry of Science and Technology, Government India, having its office at Technology Bhavan, New Mehrauli Road, New Delhi-110016.

2. The Director General, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001;

3. The Deputy Secretary, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

4. The Joint Secretary, Council of Scientific and Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

5. The Director, CSIR-Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Kolkata 700032.

--Respondents

For The Applicant(s): Mr. P. C. Das, counsel  
Ms. T. Maity, counsel

For The Respondent(s): Mr. J. K. Unnikrishnan, counsel  
Mr. S. Das, counsel



ORDER (ORAL)Per: Dr. (Ms.) Nandita Chatterjee, Administrative Member

Aggrieved with the transfer order dated 30.03.2021, the applicant has approached this Tribunal praying for the following relief:

To quash and/or set aside the impugned transfer order being No. 3-4(C)/2021-E.1 dated 30.03.2021 issued by the Deputy Secretary, Council of Scientific & Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001 in respect of the applicant whose name appeared at Serial No. 126 in the transfer order by which your applicant has been transferred from IICB, Kolkata to NML, Jamshedpur being Annexure A-3 of this original application.



To quash and/or set aside the impugned office memo dated 03.08.2021 issued by the Deputy Secretary, Council of Scientific & Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001 wherein they have considered other candidates' cases regarding modification of their posting order without disposal of your applicant's grievances which is clearly against their own Transfer Guidelines being Annexure A-6 of this original application;

c) To declare that the impugned order of transfer dated 30th March, 2021 in respect of the applicant whose name appeared at Serial No. 126 is otherwise bad in law and illegal on the ground of violation of their own Transfer Policy/Guidelines in terms of para-1 (i), para-3 and para-5A of the said guidelines and also restriction for making any representation against the impugned order of transfer dated 30th March, 2021 under paragraph 10 of the said order is also clearly hits their own Transfer Policy/Guidelines where there is no such restriction made in the Guidelines that the representation cannot be made against the order of transfer and the impugned order of transfer in respect of the applicant is liable to be quashed and/or set aside."

2. Heard both Ld. counsel, examined documents on record. The matter is taken up at the admission stage for disposal.
3. It is noted that both the Id. Counsel are satisfied with the quality of the video/audio during hearing.
4. The submission of the applicant, as articulated through her Id. Counsel is that, the applicant, who was holding the post of Assistant Section Officer (G) in the office of CSIR-IICB, Jadavpur, Kolkata, was promoted to the post of Section Officer (G) (Group B) on 23.10.2019. That, in the guidelines for transfer and posting of Group A&B Common Cadre Officers of CSIR dated

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01.01.2019 (Annexure A-1 to the O.A), it was laid down that all the Group A&B Common Cadre Officers shall ordinarily be considered for transfer after 05 years of stay at a station. The guidelines further state that, in the case of Group Common Cadre Officer, the request for retention at the present place of station may be considered upto the end of board Examination in case the children are studying in 10<sup>th</sup> or 12<sup>th</sup> class and if the CCOs concerned have already intimated this fact in advance to the authorities.

The relevant guidelines (Annexure-A1 to the O.A.) are extracted as under:-

**"IV. Norms, Periodicity and Tenure :**

**1. Normal Transfer:**

- (i) **All the Group 'A' & 'B' Common Cadre Officers will ordinarily be considered for transfer after 05 years of stay at a Station. While doing so, it will be ensured that all the three heads of administrative wings i.e. Gen. Admin., F&A and S&P in a CSIR Establishment are not moved simultaneously.**

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**5 A. Requests for retention at the present station may be considered upto the end of board examinations in case the child(ren) is/are studying in 10th or 12th Class and the CCO and concerned has already intimated this fact in advance."**

According to the applicant, she will be completing her five years to the post of Section Officer (G) only on 23.10.2024. Nevertheless, vide an office memo dated 30.03.2021, the authorities issued an order of transfer in which the name of the applicant appears at serial no. 126 of the said transfer list (Annexure A-3 to the O.A), and vide which the applicant was transferred from IICB Kolkata to NML, Jamshedpur.

Although the said transfer order had precluded any representations against such transfer, the applicant, in view of the transfer guidelines, preferred a detailed representation on 31.03.2021 disclosing the facts that, she is a mother of two sons of whom one would be taking his Board examination in 2022, that her husband is working in IT sector involving frequent travel, and that she is chronically hypertensive with auto immune

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disease of the nervous system and, accordingly, prayed for retention in her earlier place of posting at Kolkata.

The authorities brought out another order dated 03.08.2021 (Annexure A6 to the O.A.) whereby, after considering a number of representations from the CCOs seeking retention or otherwise, the authorities issued an order in which, inter alia, the applicant's representation was not acceded to. The applicant preferred another representation (at Annexure A-7 to the O.A) reiterating her grounds and highlighting the fact that she had been infected with Covid-19 during April 2021.



As the authorities did not respond to such representation, the applicant, being aggrieved has approached this Tribunal praying for the above-mentioned relief.


5. During hearing, Id. Counsel for the respondents would very fairly submit that given the fact that the applicant's representation dated 06.08.2021, (Annexure A-7 to the O.A), particularly indicating she has been suffering from Covid-19, is pending with the authorities, this O.A may be disposed of with a direction upon the authorities to decide on her representation in accordance with law.

6. Accordingly, with the consent of both parties, and, without entering into the merits of the matter, we would hereby direct the addressee respondent authority or any other competent authority to examine the contents of the representation of the applicant dated 06.08.2021 (Annexure A-7 to the O.A), in accordance with law and, thereafter, convey their decisions in the form of a reasoned and speaking order to the applicant within a period of 6 weeks from the date of receipt of a copy of this order.

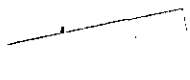
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7. In the event the applicant has not yet been relieved from her present place of posting, the respondents may not relieve her from her present place of posting till the disposal of her representation.

8. With these directions, the O.A is disposed of. There will be no orders as to costs.

  
(Nandita Chatterjee)  
Member (A)

ss

  
(Bidisha Banerjee)  
Member (J)

