

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01214/2020

Date of order: 9.12.2020

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

Swarup Nandi,
Son of Late Shambhu Nath Nandi,
Aged about 42 years,
Working for the post of Assistant Accounts Officer
(in short AAO)
In Gun & Shell Factory,
Kolkata and residing at
110/6, Talpukur Road,
New Barrackpore,
P.O. & P.S. – New Barrackpore,
Kolkata – 700 131.

... Applicant

- V E R S U S -

1. Union of India,
Service through the Secretary to the
Government of India,
Ministry of Defence,
South Block,
New Delhi – 110 011.
2. Controller General of Defence Accounts,
Ulan Batar Marg,
Delhi Cantonment,
Pin – 110 010.
3. Senior Deputy Controller General of
Defence Accounts (Admn.),
Ulan Batar Marg,
Palam,
Delhi Cantonment,
Pin – 110 010.
4. Principal Controller of Accounts (Factories),
Ayudh Bhavan,
10A, Sahid Khudiram Bose Road,
Kolkata – 700 001.

5. Assistant Controller of Finance & Accounts (Factories),
Gun & Shell Factory,
Cossipore,
Kolkata – 700 002.

... Respondents

For the Applicant : Mr. S.K. Dutta, Counsel
Mr. B. Chatterjee, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved with his posting order dated 23.10.2020, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

- "(a) An order do issue directing upon the respondents to modify the Posting Order dated 23.10.2020 issued by the respondent authority being No. AN/II/2151/DPC/AAO to AO/DPC 2020/VII;
- (b) An order do issue directing the respondents to consider the representations of the applicant dated 15/25.02.2020 and 10.11.2020 and to consider his case for promotion as AO at or near Kolkata;
- (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 Ld. Counsel for the applicant. Affidavit of service is taken on record. As none appears to represent the respondents despite affidavit of service, Rule 16(1) of Central Administrative Tribunal (Procedure) Rules, 1987 is invoked.

3. The facts, in brief, as submitted by Ld. Counsel for the applicant is that the applicant is working as Assistant Accounts Officer at AOGSF, Cossipore, Kolkata, and had preferred a representation on 25.2.2020

hslw

(Annexure A-1 to the O.A.) citing three choice stations at Kolkata, Panagarh and Barrackpore respectively.

That, the authorities, however, issued an order on 23.10.2020 in which the applicant was posted on promotion as PAO (Ors) ARTY, Nasik, Maharashtra.

The applicant thereafter preferred a representation on 10.11.2020 (Annexure A-3 to the O.A.) primarily stating that his wife is a Central Government employee in Kolkata, that his family comprises infant children as well as an elderly parent and would also cite difficulties he would encounter during the COVID 19 situation. The said application, however, remains pending, and Ld. Counsel would urge that the respondents be directed to consider the same, particularly, in the light of DOP&T O.M. dated 30.9.2009 para (iv), annexed at Annexure A-4 to the O.A.

4. As none appears on behalf of the respondents to confirm whether such representation has been decided upon, in the interest of justice, we would hereby direct the addressee respondent authority or any competent respondent authority to decide on the representation of the applicant dated 10.11.2020 (Annexure A-3 to the O.A.) within a period of 8 weeks from the date of receipt of a copy of this order.

The said authority shall decide in accordance with law, and, particularly, in the light of DOPT O.M. dated 30.9.2009 as well as transfer policy guidelines of the respondents and convey such decision in the form of a reasoned and speaking order.

Ld. Counsel for the applicant would submit that the applicant is yet to be relieved from his parent place of posting.

[Signature]

— Accordingly, the respondent authorities shall not take coercive steps to dislocate the applicant from his present place of posting till disposal of his representation.

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


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP