

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 351/00576/2021

Date of order: 30.3.2021

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

Usha Rani Paul,
wife of Chittaranjan Paul,
aged about 59 years,
by occupation service as GTT (Hum.),
presently posted at G.S.S. Manpur, Zone V,
having permanent residence at Cosmos Housing
Co-operative Society, Old Pahargaon,
P.O. Dollygunj, Port Blair,
District - South Andaman,
PIN 744 103.

..... Applicant.

Versus

1. The Andaman & Nicobar Administration,
service through the Lt. Governor,
A & N Islands, Raj Niwas,
Port Blair 744101.
2. The Secretary (Education),
Andaman & Nicobar Administration,
Secretariat,
Port Blair - 744101.
3. The Director of Education,
Andaman & Nicobar Administration,
Directorate of Education, VIP Road,
Port Blair - 744103.

..... Respondents.

For the Applicant : Mr. S. Samanta, Counsel

For the Respondents : Mr. R. Halder, Counsel

O R D E R (Oral)

Dr. Nandita Chatterjee, Administrative Member:

Being aggrieved with orders of transfer dated 24.12.2020 at Annexure A-1 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) An order be passed setting aside the impugned order of transfer dated 24.12.2020 of the applicant being Annexure "A-1" hereto and thereupon further orders be passed directing that the applicant continue in her present place of posting;
- b) Injunction do issue restraining the respondent authorities from acting in any manner or any further manner on the basis of the impugned order of transfer dated 24.12.2020 of the applicant being Annexure "A-1" hereto and/or releasing the applicant from her present place of posting;
- c) A direction do issue upon the respondents to produce and/or cause to be produced the entire records relating to the case and upon such production being made to render consonable justice by passing necessary orders;
- d) Cost and costs incidental hereto;
- e) And / or to pass such other or further order or orders as to your Lordships may seem fit and proper;"

2. Heard both Ld. Counsel, examined documents on record as well as those furnished during hearing. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant, a GTT (Hum.), was appointed in 1988 and is shortly to superannuate with only two years of remaining service. The applicant is presently posted at GSS, Manpur, Zone V and, vide the orders of transfer, so impugned, she has been directed to be transferred to GSS, Pahalgaon, Zone IV, Mayabunder.

The applicant had represented to the authorities, vide her representations at Annexure A-2 to the O.A. colly. citing her imminent superannuation and also that she had completed her service at various Zones including Zone IV. Despite

4th

pendency of such representations, however, the authorities have failed to decide on the representations of the applicant and the applicant apprehends that she would be released w.e.f. 31.3.2021 in the absence of any consideration of her representation.

In support, Ld. Counsel for the applicant would furnish the transfer guidelines dated 5.12.2014 for posting of Teaching & Non-Teaching Staff in the Education Department of the respondent's administration in which Pahalgaoon is included in Zone IV Mayabunder. The applicant would also draw attention to her representation dated 15.1.2021 wherefrom it would transpire that the applicant has already been posted in Zone IV in 2014 and 2015 respectively.

4. Ld. Counsel for the respondents, on the other hand, would refer to the clause (xvi) (d) of the transfer guidelines dated 5.12.2014 to argue that exemption is allowed only to those who have crossed 59 years of age or are retiring within the academic session itself, and, as the applicant is yet to attain the age of 59 years, she cannot claim any exemption to transfer.

5. It appears that the applicant had first represented against such transfer order on 5.1.2021 which had remained unattended, and, thereafter, on 15.1.2021 in which she had enlisted the details of her posting in each Zone. Both Ld. Counsel, however, would agree that this O.A. can be disposed of by directing the authorities to dispose of her representation in a time bound manner, and, in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, it is hereby directed that the addressee respondent authority or any other competent respondent authority shall decide on the

Leh

applicant's representations dated 5.1.2021 and 15.1.2021, if received at their end, within 4 weeks from the date of receipt of a copy of this order.

The respondents shall decide in accordance with law, taking into account the fact that the applicant has been posted earlier in Zone IV, and, that she is closing in on her superannuation and convey their decision in the form of a reasoned and speaking order.

7. Both Ld. Counsel would submit that the applicant is yet to be relieved from her present place of posting. Accordingly, the respondent authorities are directed not to relieve the applicant from her present place of posting till the disposal of her representation.

8. ✓ The O.A. is disposed of with the above direction. No costs.

Ld. Counsel for the applicant is at liberty to communicate the gist of these orders to the respondents for compliance.

(Dr. Nandita Chatterjee)
Administrative Member

SP