

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 11 OF 1996

Present

Hon'ble Dr. B.C. Sarma, Member (A)

Hon'ble Mr. P. Dutta, Member (J)

DHRUBA SENGUPTA

-Vs-

UNION OF INDIA & ORS

For Applicant Mr. P.K. Munshi, Counsel.

For Respondents Ms. U. Sanyal, Counsel.

Heard on : 15-4-96

Ordered on : 15-4-96

ORDER

B.C. Sarma. AM

The applicant is a Senior Clerk functioning under the CLW Respondents. The dispute raised in this application is about the non-consideration of the case of transfer of the applicant to Calcutta. The applicant contends that he has been suffering from various heart ailments and, ultimately, he had to undergo an open heart surgery in the Railway Hospital, Perambur, Madras. He has also been advised by the attending physician to avoid strenuous work. The applicant submitted a representation to the CLW authorities on 24-8-94 and another on 4-2-95 asking for transfer to Calcutta. He contends that he has to visit Calcutta off and on for medical check-up and if he is transferred to Calcutta, that will facilitate such check up. The matter of transfer was also taken up with the General Manager Eastern Railway but to no tangible result for which the applicant still suffers. Hence, the application.

2. The CLW respondents have filed a reply in this matter which we have perused. The stand taken by them is that there are other cases of transfer like that of the applicant and the applicant's case will be considered in due course.

3. We have heard the submissions of the ld. counsel for both the parties and perused records. We observe that several copies of annexures have been appended to this application which are copies of medical certificates to the effect that the applicant has suffered from heart ailments and he has also undergone


heart surgery. In that context, the contention made by the applicant that he is required to visit Calcutta frequently for medical check-up cannot be ignored. We are, therefore, of the view that considering the type of illness that the applicant has suffered from and also the fact that such serious ailment has come to him at a young age of 33 years, his case has to be taken up by the CLW authorities expeditiously.

4. In view of the above, the application is disposed of at the admission stage itself with the direction that the C.L.W. authorities shall sympathetically consider the transfer of the applicant from CLW, Chittaranjan, Burdwan, to Calcutta within a period of 1 (one) month from the date of communication of this order and they shall also pass appropriate orders thereon. We note that the Eastern Railway authorities who are also respondents in this case, have not filed any reply and none has appeared today on behalf of them as well. We also direct that the C.L.W. authorities shall take up the matter with the General Manager, Eastern Railway, if necessary, for sympathetic consideration of the case of transfer of the applicant to Calcutta.

5. We pass no order as to costs.



(P. Dutta)
Member (J)



(B.C. Sarma)
Member (A)

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