

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH.

No. O.A. 749 of 1996.

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

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

PARESH KANTI BANERJEE

Vs.

UNION OF INDIA & ORS.

For applicant: Mr. S.K.Ghosh, Counsel.

For respondents: Ms.U.Sanyal, Counsel.

O R D E R

Heard On: 26.7.96 :: Ordered On: 26.7.96.

B.C.Sarma, AM

The dispute raised in this application is about the order of transfer served on the applicant, who is a Labour Enforcement Officer posted at Asansol, to Darjeeling, *being by* an order dated 10.6.96. The applicant contends that he has not completed four years tenure at Asansol and earlier he was at Motihari and, on his own seeking, he was transferred from Motihari to Asansol by the respondents. He contends that his wife is working under the State Government at Asansol. It is the further contention of the applicant that there was another transfer order transferring him to Bankura on 30.5.95, but on the ground of administrative exigency, he was not ~~realised~~ by the respondents. The applicant made a representation that has not yet been disposed of by the respondents. Being aggrieved thereby, the instant application has been filed with the prayer that a direction be issued on the respondents to cancel, withdraw or rescind the impugned transfer order dated 10.6.96 (annexure-A6) and also to give effect to the earlier transfer order dated 30.5.95 (annexure-A1) issued in favour of the applicant in order to enable him to join at Bankura.

2. At the admission stage, a reply has been filed by the respondents. They have taken the plea that the applicant has submitted his representation against the impugned transfer order only on 22.6.96, which is still pending with the respon-

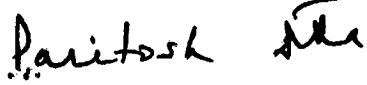



2.

respondents, and this application has been filed on 24.6.96, just two days after without giving any time to consider his representation. They have prayed for dismissal of the case on the ground that there is nothing wrong in the impugned transfer order.

3. During hearing, Ms. U. Sanyal, ld. counsel, for the respondents submitted that since the representation filed by the applicant is pending, the respondents may ~~have been~~ considered the disposal of the said representation provided liberty is given by the Tribunal to that effect.

4. In view of the above, the application is disposed of at the stage of admission itself with the direction that within a period of one month from the date of communication of this order, the respondents shall consider the representation dated 22.6.96 and pass appropriate orders according to rules. We, however, direct the respondents not to release the applicant from Asansol pursuant to the said transfer order till a week elapses from the date on which the said appropriate order was passed and communicated to the applicant. No order is passed as regards costs.

  
(paritosh Dutta)  
MEMBER(J)

  
(B.C. Sarma)  
MEMBER(A)