

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA. 1288 of 1996.  
( U N L I S T E D )

Present: Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.

Hon'ble Mr. M.S. Mukherjee, Administrative Member.

ASHOK KUMAR ROY

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. S.M. Mukherjee, counsel. with  
Mr. S.S. Sen, counsel.

For the respondents: NONE.

Heard on: 16-10-96.

Ordered on: 16-10-96.

O R D E R

A.K. Chatterjee, V.C.

1. This is filed as an unlisted motion to-day by Mr. S.M. Mukherjee, ld. counsel, appearing with Mr. S.S. Sen, ld. counsel, for the petitioner. None appears for the respondents.

2. The petitioner is a Laboratory <sup>Assistant</sup> ~~Assistant~~ X in the office of the Deputy Agricultural Marketing Adviser and ~~posted at the Office of the Senior Marketing Officer~~ <sup>Eastern Region</sup> Incharge, Calcutta, the respondent no. 3 herein. and was transferred to Bhubaneswar by the impugned Order dt. 23rd August, 1996 (Annexure-A/1 to the petition). To quash the said Order, he has made the present application on the ground that he is unable to move because of some problems in the family.

3. It appears that the petitioner has made a representation to the Joint Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Nagpur, respondent no.2 herein, on 4th October, 1996 which remains pending till this day.

4. In the circumstances, hearing the ld.counsel for the petitioner and on perusal of the application together with all its enclosures, we consider that it is appropriate to dispose of the application at <sup>the</sup> this stage of admission itself with the direction~~to~~ to the respondent no.2 herein to dispose of the representation within a specific period by passing a speaking order and also to release ~~the~~ such salary to the petitioner as may be admissible under the rules as he is said to be on leave since the date when the impugned Order was issued.

5. We accordingly dispose of the application with the direction upon the respondents, particularly upon respondent no.2 herein to treat this application & itself with all its annexures as a representation for the reliefs prayed by the petitioner and to dispose it of by passing a speaking order ~~xxx~~ within 6 weeks from the date of receipt thereof and after disposal of the same, to pass appropriate order regarding regularisation of the period of <sup>absence</sup> leave since the issue of the impugned transfer order and to release such salary as may be admissible under the rules, within 10 days thereafter. We further direct that till disposal of the representation, the petitioner need~~s~~ not join at the transferred station and in case the representation is not disposed of within the time specified as <sup>above</sup>, the impugned transfer order shall be treated as withdrawn and cancelled.

6. Order passed this day shall be communicated by the

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petitioner to all the respondents forthwith along with the copy of the application and annexures thereto.

7. Let a Plain Copy of this Order be handed over to the ld.counsel for the petitioner for immediate and simultaneous communication of all the respondents.



(M.S.Mukherjee)  
Member (A)



(A.K.Chatterjee)  
Vice-Chairman.