

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

D.A. No. 847 of 1997 (Sikkim)

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Sri Sujit Kr. Sengupta,
working as Jr. Telecom Officer
in the office of the Telecom
District Manager, Gangtok, Sikkim,
residing at Old Post Office near Raj Bhavan
Gangtok, East Sikkim.

... Applicant.

Vrs.

1. Union of India,
through the Secretary,
Ministry of Communication,
Dept. of Telecommunication,
Sanchar Bhavan, New Delhi.
2. Chief General Manager,
West Bengal Telecom Circle,
1, Council House St, Cal-1.
3. District Telecom Manager,
Cherry Building, Gangtok,
East Sikkim.

... Respondents.

For applicant : Mr. S.K. Dutta, Counsel leading
Mr. T.K. Biswas, Counsel.

For respondents : Mr. B. Mukherjee, Counsel.

Heard on : 5.12.97.

Ordered on : 5.12.97.

O R D E R

B.C.Sarma, AM.

1. The dispute raised in this petition is about the impugned ^{order of} transfer of the applicant passed by the respondents on 10.6.1996 as set out at Annexure 1 to the petition. By that order, the applicant ~~was~~ ^{has been} transferred from Gangtok to Mangan in the interest of public service. The applicant had submitted representations and it appears that on the basis of the representations his transfer

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orders were cancelled and the impugned order was passed.

2. The applicant contends that he has a daughter who suffers from neurological and muscular ailments and, therefore, his consistent attendance is necessary. His daughter is going to appear in Higher Secondary Examination which will be completed in March '98. At this stage, therefore, he is unable to move and being aggrieved thereby, this application has been filed.

3. The application has been opposed by the respondents by filing a reply, which we have perused. The stand taken by the respondents has been that a new telephone exchange with modern facilities has been installed at Mangan and the applicant's presence in that place is necessary in the interest of public. Mr. Mukherjee I d. Counsel for the respondents submits that there is no technical person at Mangan at this moment and hence, his service is necessary there.

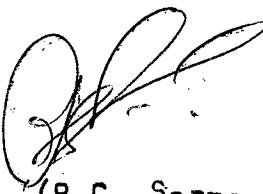
4. We have heard the submission of the I d. Counsel for both the parties, perused record and considered the facts and circumstances of the case. There is no doubt that transfer order causes inconvenience to the person and also the members of the family. ^{concerned} But if such transfer order is issued in the interest of public service, unless it is passed in malafide or arbitrary manner, cannot be interfered with; this is settled law. But at the same time, in this case we find that the impugned order was passed as early as on 10.6.1996 and before that he was also transferred to Burdwan, which was cancelled when this impugned order was passed. Whatever that may be and whatever be the reason, the said impugned transfer order has not yet been given effect to by the respondents because of the Interim Order passed and earlier there was also an Interim Order passed by the High Court at Sikkim on the basis of a Writ Petition filed by the applicant's wife. Mr. Dutta, I d. Counsel for

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the applicant submits that the applicant is ready to move to Mangan on 1st April '98 after the completion of his daughter's examination and upto that date it is necessary for him to stay at Gangtok.

5. Keeping in view the ^{fact that the} impugned transfer order was passed about one and a half years ago and considering the ~~as~~ submission made by Mr. Dutta, we think that it will be appropriate to grant him some extension of time to join at Mangan. Accordingly, we ^{even} direct the applicant to join positively without raising any murmur about the impugned order of transfer at Mangan on 1st April, 1998. The application is accordingly disposed of without passing any order as to costs.


(D. Purkayastha)
Member (J)


(B.C. Sarma)
Member (A)

P/K/C.