

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00249/2018

Date of Order: This, the 26th day of July 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Manoj Kumar Gogoi
S/O – Sri Rajani Kanta Gogoi
Village – Doimukhia, Doomdoooma
Tinsukia, P.O. – Doomdoooma
Dist – Tinsukia, Assam.

...Applicant

By Advocate: Mr. A.R. Tahbildar

-Versus-

1. The Union of India, represented by
 Secretary, Ministry of Home Affairs
 New Delhi.
2. The Director, Intelligence Bureau
 Ministry of Home Affairs, North Block
 New Delhi – 110001.
3. The Joint Director/C-IV IB
 Headquarter, New Delhi.
4. Joint Deputy Director
 Subsidiary Intelligence Bureau
 Itanagar, P.O. – R.K. Mission
 Dist – Papumpare, Arunachal Pradesh – 791113.
5. Assistant Director/E
 Subsidiary Intelligence Bureau
 Itanagar, P.O. – R.K. Mission
 Dist – Papumpare, Arunachal Pradesh – 791113.

...Respondents

By Advocate: None

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

Being aggrieved, the applicant has approached this Tribunal by filing the instant application under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “8.1) To quash and set aside the Memorandum dated 13.3.2018 passed by the Assistant Director/E, Subsidiary Intelligence Bureau, Govt. of India, Itanagar by which applicant's request for choice posting was rejected.
- 2) To modify/alter the Memorandum dated 15.03.2018 to the effect that the applicant be transferred to SIB, Guwahati instead of IB Hqrs, New Delhi.
- 3) To direct the authorities not to release the applicant from the present place of posting pursuant to the order dated 13.07.2018 till the Memorandum dated 15.3.2018 is modified.
- 4) To pass such other or further order (s) as your Lordships may deem fit and proper.”

2. Heard A.R. Tahbildar, learned counsel for the applicant. Perused the pleadings and the material placed on record.

3. The learned counsel for the applicant submitted that, applicant is serving as Junior Intelligence Officer, Grade I/Executive in the Subsidiary Intelligence Bureau at FU-VV, Arunachal Pradesh. By the instant O.A., the applicant is challenged the impugned Memorandum dated 15.03.2018 issued by the respondent authority

whereby he has been sought to be transferred to IB Headquarter, New Delhi from FU-VV, Arunachal Pradesh, pursuant to the IB Hqrs order dated 13.03.2018.

4. Learned counsel submitted that as the Arunachal Pradesh falls under the High Altitude Area, he submitted representation to the respondent No. 3 on 20.10.2017 requesting his transfer from Subsidiary Intelligence Bureau, Itanagar to Subsidiary Intelligence Bureau, Guwahati on humanitarian ground more particularly medical ground of his wife as well as studies of his sons. The respondent No. 5 vide Memorandum dated 13.03.2018 conveyed rejection of the transfer request of the applicant along with some other officials of Subsidiary Intelligence Bureau, Itanagar and the IB HQ vide order dated 09.03.2018 advised the officials including the applicant to submit representation within one week against the decision. However, before he could submit his representation, on 15.03.2018, another Memorandum was issued by the Subsidiary Intelligence Bureau, Itanagar transferring the him from FU-VV, SIB, Itanagar to Intelligence Bureau Headquarter, New Delhi pursuant to their earlier order dated 13.03.2018. Again applicant was advised to submit representation against the above transfer order within one week.

5. The learned counsel further submitted that against the Memorandum dated 15.03.2018, the submitted a representation on

the same day on 15.03.2018 annexing the medical certificate of his wife requesting his transfer to SIB, Guwahati instead of IB Hqrs, New Delhi due to medical ground of his wife as well as family problem. The respondent authorities however, have not responded to the said representation dated 15.03.2018. Then the applicant again submitted a representation on 10.07.2018 to the respondent No. 3 ventilating his grievances, narrated above, by modifying the earlier transfer order dated 15.03.2018. According to the learned counsel, instead of disposing of the applicant's representation, the respondent authorities vide office order No. 307/18 dated 13.07.2018 relieved the applicant from his duties, SIB, Itanagar w.e.f. 31.07.2018 with a direction to report at C-4 Br, IB Hqrs., New Delhi.

6. In view of the above, without going into the merits of the case and for the ends of justice, I direct the respondents to dispose of the last pending representation of the applicant dated 10.07.2018 and pass a reasoned and speaking order keeping in mind that the applicant's wife needs regular medical supervision due to some major health complications and the fact that his wards have been pursuing their studies in Jorhat, Assam.

7. It is needless to mention here that the representation shall be disposed of by the respondent authorities within four months from the date of receipt copy of this order and whatever decision is taken thereto shall be communicated to the applicant forthwith. Till

then, the impugned office order No. 307/2018 dated 13.07.2018 which was issued with reference to IB Hqrs. Order No. 4/C-4/2018(2)-935 dated 13.03.2018, IB Hqrs. Order No. 4/C-4/2018(3)-936 dated 13.03.2018 and IB Hqrs. Order No. 4/C-4/2018(4)-672 dated 22.02.2018 (in respect to the applicant) is stayed.

8. Accordingly, O.A. stands disposed of at the admission stage itself. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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