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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O. A. No. 350/ 607 of 2018.

Partho Ghosh, son of late Baidya
Nath Ghosh, agd about 48 years,
working as Lower Division Clerk in
the office of ICAR- National Dairy
Research Institute, Eastern
Regional Station, A-12, Block,
District Nadia, Kalyani- 741 235,
residing at 280, Purba Sinthee
Road, Madhugarh, Dum Dum, P.O.
Ghughudanga, P.S. Dum Dum,
Kolkata- 700 030, District North 24
Parganas.

...Applicant.

-Vs-

1. Union of India through the
Secretary to the Govt. of India,
Department of Agricultural
Research & Education, Krishi

Ndl

Bhawan, Raisina Road, Opposite
Rail Bhawan, New Delhi- 110 001.

2. Indian Council of Agricultural
Research through the Director
General, ICAR, Krishi Bhawan,
Raisina Road, Opposite Rail
Bhawan, New Delhi- 110 001.

3. The Director General, Indian
Council of Agricultural Research,
Krishi Bhawan, Raisina Road,
Opposite Rail Bhawan, New Delhi-
110 001.

4. The Director, ICAR - National Dairy
Research Institute, Karnal,
Haryana, Pin : 132 001.

5. Head, ICAR - National Dairy
Research Institute, Eastern
Regional Station, A-12 Block,
District Nadia, Kalyani, Pin : 741
235.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/607/ 2018

Date of order: 10.05.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : Mr. S.K. Datta, counsel

For the respondents : Mr. B. Kumar, counsel

ORDER

A. K. Patnaik, Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(a) An order quashing and/or setting aside the order dated 21/23 April 2018 so far as it relates to transfer of the applicant to Bangalore by way of change of Headquarter without prejudice to his right to challenge the suspension in future.

(b) An order quashing and/or setting aside the relieving order dated 23.4.2018.

(c) An order directing the respondents to produce/ cause production of all relevant records.

(d) Any other order or further order/ orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard Mr. S.K. Datta, Id. counsel for the applicant and Mr. B. Kumar, Id. counsel for the respondents.

3. Id. counsel for the applicant Mr. S.K.Datta submitted that applicant was initially appointed as Junior Clerk in ICAR in 1998 and was posted at Kolkata and subsequently, he was transferred to Udaipur and again from Udaipur to Patna. It is further submitted by Mr. Datta that in the year 2005 the applicant came to

Ab

Kalyani on Mutual transfer in the same grade as Junior Clerk, now known as Lower Division Clerk, but all on a sudden by order dated 21/23.04.2018 the applicant has been placed under suspension with change of Headquarter from Kalyani to Bangalore which has resulted in ordering his transfer from Kalyani to Bangalore and he has been ordered to be relieved vide order dated 23.04.2018 and, as such, the applicant is left with no alternative but to approach this Hon'ble Tribunal seeking the aforesaid reliefs.

4. I find that this O.A. is hit by the provisions of Section 20 of the Administrative Tribunals Act, 1985 as the applicant has not filed any representation to the authority concerned by ventilating his grievances and approached this Tribunal without exhausting the available remedies.

5. Mr. S.K. Datta, Id. counsel for the applicant submitted that the applicant could not wait to avail the departmental remedy because on the same day he was placed under suspension and transferred to Bangalore. However, Mr. Datta submitted that the applicant would be satisfied if he is permitted to file a comprehensive representation ventilating his grievances therein within a period of one week and the respondents are directed to consider and dispose of the same as per rules within a specific time frame.

6. Though no notice has been issued to the respondents I find that it would not be prejudicial to either of the parties, if the prayer of the Id. counsel for the applicant is allowed.

7. Accordingly the applicant is given liberty to file a comprehensive representation to the Respondent No.4 i.e. the Director, ICAR, National Dairy Research Institute, Karnal, Haryana ventilating his grievances therein and



enclosing a copy of this order and other relevant documents with copy to the Respondent No.3 i.e. the Director General, ICAR, Krishi Bhawan New Delhi within a period of one week from the date of receipt of this order. If such representation is filed by the applicant within one week, then the Respondent No.4 shall consider and dispose of the same as per rules and regulations governing the field by passing a well reasoned order within a further period of 15 days from the date of receipt of such representation and communicate the result to the applicant forthwith. After such consideration, if the applicant's grievance is found to be genuine, then expeditious steps shall be taken by the respondents to grant the consequential benefits preferably within a period of 4 weeks from the date of taking decision in the matter. Till the representation is disposed of and the result is communicated and also for a further period of 4 weeks from the date of communication of the result to the applicant no coercive action shall be taken by the respondent authorities against the applicant. The admissible subsistence may also be paid to the applicant if he is otherwise found eligible.

8. It is made clear that I have not gone into the merits of this case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

9. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

10. A copy of this order be given to the Id. counsel for both sides. Liberty is granted to the applicant to annex a copy of this order along with the representation to be preferred to the Respondent No.4

(A. K. Patnaik)
Judicial Member