

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A No. 350/ 616 of 2018

In the matter of:

Shri Bijan Krishna Das Son of Late Lakshmi

Narayan Das, aged about 51 years, working

as Assistant Engineer (Civil) under ADG B-

IBBZ I-Border Fencing Circle II - BFD V,

CPWD, Nabadweep Ghat Road (Near BPC

Poly Tech college), Krishnanagar, West

Bengal, PIN- 741101.

Residing at C-12/3, Patuli Ghosh Para, P.O.

Panchasayar, P.S- Patuli, Kolkata- 700094.

.....Applicant

VERSUS

1. Union of India service through the Secretary (HUA), Housing and Urban Affairs Nirman Bhawan, Maulana Azad Road, New Delhi-110011.

WL

2. The Directorate General, CPWD, Nirman Bhawan, Maulana Azad Road, New Delhi, 110011.

3. The Special Director General(ER),CPWD, 5th Floor, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata, West Bengal, 700020.

4. The Additional Director General(ER),CPWD, 6th Floor, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata, West Bengal, 700020.

5. The Deputy Director General(HQ)ER, CPWD, 5th Floor, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata, West Bengal, 700020.

.....Respondent

Wl

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No.O.A.350/616/2018

Date of order : 08.05.2018

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

For the applicant : Mr.K. Sarkar, counsel

For the respondents : Mr. T.K. Chatterjee, counsel

ORDER (ORAL)

A.K. Patnaik, Judicial Member

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

- "a) To issue direction upon the respondents and their men and agents to cancel, quash, set aside the impugned order of transfer dated 04.05.2018 (as annexure - "A4") forthwith;
- b) To issue further direction upon the respondents to stay the order dated 04.05.2018 and allow the applicant to join BFD-V, Krishnanagar to KCD-II, CPWD , Kolkata interim of order of transfer dated 12.04.2018 forthwith;
- c) To issue appropriate necessary direction for foundation of transfer/posting files at the time of hearing;
- c) Any other order or orders as the Hon'ble Tribunal deem fit and proper."

2. Heard Mr. K. Sarkar, Id. counsel for the applicant. Mr. T.K. Chatterjee, Id. counsel for the respondents is also present and heard.
3. Id. counsel for the applicant submitted that vide order dated 12.04.2018 the applicant has been transferred from Border Fencing Division- V, C.P.W.D., Krishnanagar, Nadia to Kolkata Central Division No. II , C.P.W.D., Kolkata. To comply with the said order the applicant has already withdrawn TA/DA advance



on 01.05.2018 but all on a sudden the respondents have issued another order of transfer/posting on 04.05.2018 and the applicant's place of transfer has been changed without showing any reason and for that the applicant made a categorical representation to the authorities concerned on the same day but the respondents have not given any reply till date. Being aggrieved for such inaction of the respondents the applicant has approached this Tribunal praying for the aforesaid reliefs.

4. Mr. K. Sarkar, Id. counsel for the applicant submitted that the applicant's grievance would be more or less redressed for the present, if a direction is given to the Respondent Nos.3 or 4 or 5 to consider and dispose of the representation of the applicant dated 04.05.2018 (Annexure A/7) as per rules within a specific time frame.

Considering the facts and circumstances of the case, I think it would not be prejudicial to either of the parties if such direction is given to the Respondent authorities.

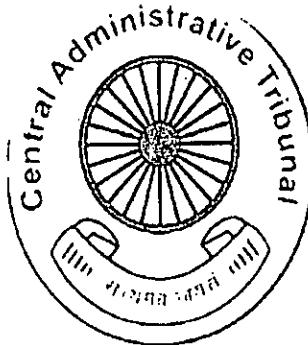
5. Accordingly the respondent authorities, more particularly the Respondent Nos.3 or 4 or 5 is directed to consider and dispose of the representation of the applicant dated 04.05.2018 (Annexure A/7) as per rules and regulations in force by passing a well reasoned order within a period of six weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith. Status quo as on date, so far as continuance of the applicant is concerned, shall be maintained till the representation is disposed of and the result is communicated to the applicant. No coercive action shall be taken against the applicant by the respondent authorities for a further period of 4



weeks from the date of communication of result to the applicant. After such consideration, if the applicant is found entitled to the benefits as claimed in the representation, the respondent authorities shall grant such benefits within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.
7. With the above observations the O.A. is disposed of. No order as to cost.
8. A copy of this order be handed over to the ld. counsel for both sides.

sb



(A.K. Patnaik)
Judicial Member