

2/5

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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

An Application Under Section 19 of the Administrative Tribunal Act, 1985

O. A. No. 350/654 of 2017;

BETWEEN

Dr. Somenath Roy, Son of Biswanath
Roy, aged about 41 years, working for
gain as Senior Scientist (Employee ID
- 2060), Sensor and Actuator Division,
under Council for Scientific &
Industrial Research - Central Glass &
Ceramic Research Institute, residing
at SIRSA, Block - II, Flat No. 1C, 59,
Lake Road, P. S. - Lake Police Station,
Kolkata - 700 029.

..... Applicant

- V E R S U S -

1. Union of India, Service through
the Secretary, Ministry of Science &
Technology, Technology Bhavan, New
Mehrauli Road, New Delhi-110 016.

Somenath Roy

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2. The Director General, CSIR and Secretary, DSIR, Anusandhan Bhavan, 2, Rafi Marg, New Delhi-110001.

3. The Director, Council for Scientific & Industrial Research - Central Glass & Ceramic Research Institute, 196, Raja S. C. Mullick Road, Kolkata - 700 032.

4. The Head, Sensor & Actuation Division, Council for Scientific & Industrial Research - Central Glass & Ceramic Research Institute, 196, Raja S. C. Mullick Road, Kolkata - 700 032.

4. Enquiry Committee, represented by its Chairman Dr. Debtosh Kundu, Council for Scientific & Industrial Research - Central Glass & Ceramic Research Institute, 196, Raja S. C. Mullick Road, Kolkata - 700 032.

5. The Section Officer, Council for Scientific & Industrial Research - Central Glass & Ceramic Research

Somenath Ray

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Institute, 196, Raja S. C. Mullick
Road, Kolkata - 700 032.

..... Respondents

12/12

No.O.A.350/654/2017

Date of order : 02.05.2017

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

For the applicant : Ms. P. Banerjee,
 For the respondents : Mr. P. Bajpayee. counsel

ORDER (ORAL)**A.K. Patnaik, J.M.**

This O.A. has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the Office Memorandum No.3/GC/2(60)/99-Estt. dated 21.04.2017 (Annexure A-17) issued by the Section Officer, CSIR-Central Glass and Ceramic Research Institute, Kolkata transferring him from Kolkata to Khurja.

2. In this O.A. the applicant has sought for the following reliefs:-

- "a) Call for the records from the respondent authorities;
- b) Allow the instant application of the applicant and set aside the impugned order of transfer vide office memo No.3/GC/2(60)/99-Esst. Dated 21.04.2017 against the applicant;
- c) Pass any other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case in favour of the applicant including the cost of litigation."

4. Heard Id. counsel for the applicant, Ms. P. Banerjee and Id. counsel for the respondents No.1,2,3 and 4, Mr. P. Bajpayee.

5. Id. counsel for the applicant Mr. P. Bajpayee at the outset vehemently opposed the maintainability of this O.A. stating that after the order of transfer was issued to the applicant on 21.04.2017, he has not ventilated his grievances before the appropriate authority, therefore, this O.A. is hit by Section 20 of the Central Administrative Tribunals Act.



6. On the other hand, Id. counsel for the applicant, Ms. P. Banerjee submitted that after receipt of the order of transfer dated 21.04.2017 the applicant went to the authority concerned to submit his leave application but he was not allowed to do so and was directed to join at his new place of posting immediately as per the order dated 21.04.2017.

7. On a perusal of the impugned order of transfer dated 21.04.2017, I find two aspects which are very important- one is "in public interest" and the other is "Dr. Roy is relieved with immediate effect". It appears that nobody has been posted in place of the applicant at Kolkata. Therefore, taking into account the submissions of Id. counsel for the respondents, Mr. Bajpayee, I am also satisfied at the first instance that the applicant should have approached the appropriate authority for redressal of his grievances. As the applicant has not made any representation to the authority concerned for redressal of his grievances, this O.A. is hit by Section 20 of the Central Administrative Tribunals Act. On being questioned regarding maintainability of this O.A, Ms. Banerjee fairly submitted that the applicant would be satisfied if liberty is given to her to file a representation to the respondent No.2 i.e. the Director General, CSIR and Secretary, DSIR, Anusandhan Bhavan, 2, Rafi Marg, New Delhi ventilating his grievances therein and the said respondent is directed to dispose of the same within a stipulated period.

8. Considering the aforesaid facts and circumstances, liberty is given to the applicant to file a comprehensive representation pinpointing his grievances to the Respondent No.2 i.e. the Director General, CSIR and Secretary, DSIR, Anusandhan Bhavan, 2, Rafi Marg, New Delhi, within a period of 7 days from today and if such representation is preferred within seven days addressing the Respondent No.2 i.e. the Director General, CSIR and Secretary, DSIR, Anusandhan Bhavan, 2, Rafi Marg,



New Delhi, then the Respondent No.2 is directed to consider and dispose of the same by passing a well reasoned order keeping in mind the well settled position of law and the rules and regulations governing the field and communicate the result to the applicant within two months from the date of receipt of such representation.

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

10. Though we have not gone into the merits of the matter, I hope and trust that if after such consideration, the applicant's grievance is found to be genuine, then the respondents shall take expeditious steps to grant the benefits to the applicant by modifying the order of transfer dated 21.04.2017. If none has been posted in place of the applicant at Kolkata, then the applicant may be allowed to continue as Scientist, CSIR, CGCRI, Kolkata till his representation is disposed of and result is communicated to him. Liberty is given to the applicant to annex a copy of this order along with the representation to be preferred him.

11. With the above observations the O.A. is disposed of at the stage of admission. No order as to cost.


(A.K. Patnaik)
Judicial Member