

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 351/658/2018

Date of order : 18.5.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

P.L.MASILAMANI

S/o Late K.Palani,
R/o Nayagaon, Port Blair,
Dist. - South Andaman,
Pin - 744104,
Working to the post of
Executive Engineer in
CD-1 Rangat (North & Middle
Andaman under APWD,
A&N Administration,
Port Blair.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Home Affairs,
Govt. of India,
South Block,
New Delhi - 110001.
2. The A&N Administration, through
The Chief Secretary,
Having its office at
Secretariat,
Port Blair - 744101.
3. The Chief Secretary,
A&N Administration,
Secretariat,
Port Blair - 744101.
4. The Secretary,
Public Works Department
A&N Administration,
Secretariat,
Port Blair - 744101.
5. The Dy. Secretary,
Public Works Department
A&N Administration,
Secretariat,
Port Blair - 744101.
6. The Chief Engineer,
Andaman Public Works Department
A&N Administration,
Secretariat,
Port Blair - 744101.
7. Mr. Pushparaju,

Executive Engineer,
CD Rangat, working under
Chief Engineer,
Andaman Works Department
A&N Administration,
Secretariat,
Port Blair - 744101.

...RESPONDENTS.

For the applicant : Mr.P.C.Das, counsel
Ms.T.Maity, counsel

For the respondents: Mr.S.K.Ghosh, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.P.C.Das, Id. Counsel assisted by Ms.T.Maity, Id. Counsel appeared for the applicant and Mr.S.K.Ghosh, Id. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) To quash and/or set aside the impugned order of transfer being No. 1186 dated 18th April, 2018 issued by the Deputy Secretary (PWD), Andaman & Nicobar Administration in respect of the applicant whose name appeared at Serial No. 4 by which your applicant has been transferred from CD Rangat to PRI/SA by violation of the Transfer Policy dated 30th July, 2007 since your applicant have got less than two years of service before retirement and as per the transfer policy he is entitled for his choice posting being Annexure A/1 of this original application;
- b) To declare that the order of transfer issued by the Deputy Secretary (PWD), Andaman & Nicobar Administration against the applicant being Transfer Order No. 1186 dated 18th April, 2018 in respect of the present applicant is otherwise bad in law and illegal because the applicant has less than two years of service before retirement and at the time of issuing the said transfer order, the Transfer Policy dated 30th July, 2007 has been violated by the respondent authority;
- c) To pass an appropriate order directing upon the respondent authority to continue the applicant in his present place of posting till his retirement to the post of Executive Engineer in CD-1 Rangat and/or till his tenure is completed at Rangat.

3. The applicant is aggrieved by the impugned order of transfer dated 18.4.2018 by which the applicant has been transferred from CD Rangat to PRI/SA by violation of the Transfer Policy dated 30.7.2007 where in para 4(vi) it is clearly stated that -

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"As far as possible, officials having less than 2 years of service left shall be allowed a posting of his choice and should not be transferred from that post within that period."

From the record it is clear that the applicant has got less than two years of service before retirement and as per the transfer policy he is entitled for his choice posting. The applicant has preferred representation dated 7.5.2018 for cancelling such transfer order but the same has not yet been considered by the respondent. Hence the applicant has approached this Tribunal.

4. Mr.Das, Id. Counsel for the applicant at this juncture prayed for a direction upon the respondent authorities to consider and dispose of the representation dated 7.5.2018 within a specific time frame.

Mr.S.K.Ghosh, Id. Counsel for the respondents submitted that he has no instruction.

5. By accepting the prayer of the Id. Counsel for the applicant and without going into the merits of the case, I dispose of the present OA by directing the respondent authorities to consider and dispose of the representation preferred by the applicant dated 7.5.2018 within a period of three months from the date of receipt of the copy of this order and pass a reasoned and speaking order and communicate the same to the applicant forthwith. It is made clear that till the disposal of the representation, the applicant shall be allowed to continue in the present place of posting.

6. With the above observation and direction the OA stands disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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