



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A 350/706/2018

Date of Order: 21.08.2018.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Amit Sengupta, son of Late Amar Sengupta, 49, Hem Chandra Lane, Post Office - Bhadrakali, Police Station - Uttarpara, District - Hooghly, Pin Code - 712232, working as Data Processing Assistant (Group B Non-gazette staff) under Employees' Provident Fund Organisation, Ministry of Labour and Employment, Government of India.

--Applicant

Versus

1. The Union of India, service through its Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.
2. The Employees' Provident Fund Organization, (Ministry of Labour and Employment, Government of India), service through Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi - 110066.
3. The Regional Provident Fund Commissioner -I (HRM), Employees' Provident Fund Organization, (Ministry of Labour and Employment, Government of India), Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi - 110066.
4. The Central Provident Fund Commissioner, Employees' Provident Fund Organization, (Ministry of Labour and Employment, Government of India), Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place, New Delhi - 110066.
5. The Additional Central Provident Fund Commissioner, Zonal Office Kolkata, Employees' Provident Fund Organization, West Bengal, Andaman & Nicobar Islands and Sikkim, DK Block, Sector II, Salt Lake City, Kolkata 700091.
6. The Regional Provident Fund Commissioner -I, Regional Office Kolkata, Employees' Provident Fund Organization, DK Block, Sector II, Salt Lake City, Kolkata 700091.
7. The Assistant Provident Fund Commissioner (ADM), Regional Office Kolkata, Employees' Provident Fund Organization, DK Block, Sector II, Salt Lake City, Kolkata 700091

--Respondents

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For The Applicant(s): Md. S. Jahan, Counsel

: Ms. M. Mitra, Counsel

For The Respondent(s): Mr. G. K Roy, Counsel

ORDER (ORAL)

Per: Mrs. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. It seems that in terms of the policy of the respondents dated 25th September 2008, as furnished by ld. counsel for the applicant, every employee of the organisation carrying a scale of pay of a group B (Non Gazetted) post under the Central Government and group C employees is liable to serve anywhere in the respective regions in which they are appointed. This implies that every person should be transferred but within their respective regions of appointment, whereas the applicant has been transferred to North Eastern Region from West Bengal Region.

3. However, respondents have adequately intimated in their speaking order that such posting was urgently required in view of the exigency of public interest and for administrative reason, consequent upon expiry of contract with UTTISL for posting of DPAs in 13 newly created/upgraded Regional Offices.

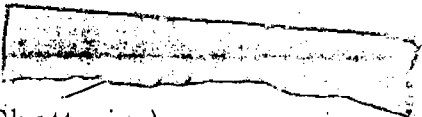
4. However, we notice that the applicant has been given liberty to make a prayer upon joining the post of transfer.

5. Ld. counsel for the applicant submits at the bar that the applicant is ready to move out of Kolkata to any place within the West Bengal Region which also covers A&N Island.


6. Accordingly, liberty is given to the applicant to submit a representation seeking transfer back to West Bengal Region, to any appropriate place where the respondents can accommodate him suitably, subject to availability of vacancies.

7. In the event such representation is preferred, the same shall be disposed of by the respondent authority within a period of 4 weeks from the date of receipt of such representation with a reasoned and speaking order.

8. The O.A accordingly stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)



(Bidisha Banerjee)
Member (J)

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