



CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 350/00739/2017

Date of order: 19.12.2017.

Present : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Harendra Nath Baidya,  
JIO-1/Tech (PIS No. 107870),  
Son of Late Laxmi Kanta Baidya,  
13/2, Chandi Charan Ghosh Road,  
Post Office - Barisha, Kolkata - 700 008.

.. Applicant

- V E R S U S -

1. Union of India,  
Service through the Secretary,  
Ministry of Home Affairs,  
Government of India,  
Jai Singh Marg,  
New Delhi - 110 001;
2. The Director,  
Intelligence Bureau,  
IB Headquarters,  
Ministry of Home Affairs,  
North Block,  
Central Secretariat,  
New Delhi,  
Delhi - 110 001;
3. The Joint Deputy Director,  
Bureau of Immigration,  
Kolkata, Ministry of Home Affairs,  
Government of India,  
9/1, Gariahat Road,  
Kolkata - 700 019.

.. Respondents

For the Applicants : Ms. S. Das Roy, Counsel

For the Respondents : Mr. P. Pramanik, Counsel

**ORDER (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

Heard the Ld. Counsel for the applicant as well as the respondents.

2. In the relief sought for in the application, inter alia, the applicant has sought for a direction upon the respondent authorities to consider his representations at Annexure A-4 and A-7 to the application, to withdraw the Office Order No. 266(Estt.)/2017 dated 28.4.2017 relieving the applicant from BOI Kolkata w.e.f. 31<sup>st</sup> May, 2017 and to quash and/or set aside the impugned

Office Order No. 266(Estt.)/2017 dated 28.4.2017 issued by the respondent authority and to grant transfer to a family location considering his chronic ailments.

3. When the matters listed with Calcutta Vacation Bench were taken up by Patna Bench, an interim relief was granted by the Patna Bench whereby the relieving order dated 28.4.2017 was kept in abeyance at least till 13.6.2017, so that the matter could be adjudicated by Central Administrative Tribunal, Calcutta Bench. This interim order continued till 18.8.2017.

4. Upon a perusal of records, we find that, in all the applications made to the authorities subsequent to the transfer order so assailed, there have been references to his inability to work at high altitude given his health conditions.

5. The respondents, however, have furnished before us a Medical Certificate from Nilratan Sircar Medical College and Hospital which declares the applicant fit for service in high altitude.

6. Given that the competent medical authority has declared him fit to function in high altitude according to the certificate furnished by the respondents, we do not consider it a fit case for any further continuation of the interim order which stands vacated. The respondents are at liberty to relieve the applicant to take up his posting as directed vide transfer order dated 28.4.2017.

7. With this direction, the interim order as well as the O.A. is disposed of. No costs.

(Nandita Chatterjee)  
Administrative Member

(Manjula Das)  
Judicial Member

SP