

No. DA-359/00767/2016

Date of order 23.12.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Officer

PARESH NATH SEN

VS

UNION OF INDIA & ORS.

For the applicant : Mr.C.Sinha, counsel

For the respondents : None

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved.

2. Heard Id. Counsel for the applicant. None appeared for the respondents. The provisions of Section 24 of A.T. Act is dispensed with in view of the urgency in the matter.

3. It is noticed that the applicant has preferred a representation on 8.1.16 seeking cancellation of the outstation tenure turn over posting on medical ground as well as education of minor children and having to look after octogenarian parents. The applicant has been advised to avoid long and hilly journeys by the Army Hospital on 30.6.15 and despite such physical condition of the applicant as well as recommendation from the CWE Barrackpore for exemption of transfer to outstation on medical grounds, his prayer for retention in GE North, Kolkata has been rejected without citing any reasons whatsoever, along with several other candidates.

4. Id. Counsel for the applicant pointed out that in regard to two persons namely Subrata Bandyopadhyay and Bijay Kr. Nandi the transfer orders have been modified from Chabua to Kolkata and Shillong to Kolkata. In case of Subrata Bandyopadhyay, he has further been transferred to Barrackpore by order dated 16.10.15 in modification of the subsequent transfer order to

Kolkata, whereas no reasons have been assigned by the authorities while rejecting his prayer although he badly needs a respite on medical grounds.

5. In view of the urgency of the matter and as it is submitted that the applicant has not yet been released, the OA is disposed of with a direction upon the respondent No.3 or any other competent authority to look into the grievance of the applicant as highlighted in the representation cited above and consider the matter appropriately and sympathetically for retention at Kolkata keeping in view that on earlier occasion also the applicant was posted at Kolkata on compassionate ground and his case was duly recommended by CWE in January 2016 on medical ground., Let appropriate order be issued within one month from the date of receipt of the copy of the order. Till such time the applicant shall not be compelled to join at the place of transfer.

6. The OA is accordingly disposed of. No costs.


(BIDISHA BANERJEE)
MEMBER (J)

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