

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00899/2016

Date of order : 15.6.2016

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

SUMIT NANDI

VS

UNION OF INDIA & ORS. (DEFENCE)

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. The applicant serving as UDC under Garrison Engineer, North Kolkata has assailed an order dated 9.5.16 which says that the review of posting of the applicant has been examined and rejected. The applicant who was transferred from GE North Kolkata to CWE Shillong on 11.1.16 vide Annexure A/2, had prayed for modification of transfer on 11.3.16 having stated as follows :

- "(a) Sir, presently I am posted as UDC at GE (North) Kolkata w.e.f. 10 Oct 2012 (from GE Gangtok) discharging my duties dedicatedly and entire satisfying my superiors till date. I regularly come to GE (North) Kolkata from my Pt residence Chakdaha, Nadia, which is approx 70 km away from my office.
- (b) My wife Smt. Sumita Nandi is a severe heart patient. On 06 Sep 2003 her Coarctation of Aorta has been dilated with balloon and Stent implanted by Dr. Arup Das Biswas, Associate Professor, Deptt. Of Cardiology, SSKM Hospital, Kolkata (Xerox copy enclosed for ready ref please).
- (c) I also look after my ailing widow mother Smt. Sandhya Rani Nandi, aged 69 yrs (Xerox copy of Adhar Card enclosed) who is suffering from Rheumatoid Arthritis and she is bedridden (Xerox copy of medical certificate enclosed) and being a single male member in my home, I am to bring both of them on regular interval to hospital for treatment. (Both of them depended upon me).
- (d) I have one 10 yrs son who at this tender age needs love and care of both of his parents for his mental, moral and physical development. Copy of his birth certificate is enclosed.)

After rejection of the prayer the applicant has preferred further representation to Chief Engineer on 9.6.16 which is however, not yet disposed of.

3. Ld. Counsel for the applicant during the course of hearing invited my attention to the transfer order issued to one Dipak Chakraborty, CWE, Kolkata to Kakinada. In modification of the order Dipak Chakraborty had been granted stay at Ichhapore. He has also cited the case of one Subroto Bandyopadhyay whose transfer to Chabua vide order dt. 27.5.15 (Annexure A/7) was modified to Barrackpore on 16.10.15 (Annexure A/7) alike Dipak Chakraborty, whereas the applicant's case was rejected without assigning any reason whatsoever, despite the fact that he had pressing needs for such retention.

4. In view of the fact that the respondents have considered the case of Dipak Chakraborty and Subroto Bandyopadhyay, but rejected the applicant's case without assigning any reason, the OA is disposed of with an innocuous order directing the Chief Engineer, Eastern Command to look into the grievance of the applicant and pass an appropriate reasoned and speaking order on the same within a period of one month from the date of communication of this order and till such time not to compel the applicant to join the transferred post, if not already joined.

5. It is made clear that I have not gone into the merits of the case.
6. All points are kept open for consideration by the respondents.
7. No order is passed as to costs.

10/6/2016
(BIDISHA BANERJEE)
MEMBER (J)

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