



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/966/2018

Date of Order: 05.07.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Jaya Pradhan, wife of Md. Taslim Alam,
(daughter of S. L. Pradhan) aged about
41 years, working as UDC in the office
Of the Defence Estates Officer, Siliguri
Circle, Government of India, Ministry
Of Defence, Opposite "M" Baazar,
Sevoke Road, Siliguri, Pin-734 001,
Residing at Nav Jeevan Apartment
Punjabi Para, Block- C, 2nd Floor,
Siliguri, Pin- 734 001

.....Applicant.



1. Union of India through the Secretary
to the Govt. of India, Ministry of
Defence, South Block, New Delhi-
110001.

2. The Director General, Defence Estates,
Raksha Sampada Bhawan, Ulaanbaatar
Marg, New Delhi, Cantonment- 110010.

3. The Principal Director, Defence Estates,
Ministry of Defence, Eastern Circle, 13,
Camac Street (7th Floor), Kolkata- 700 017.

4. The Defence Estates Officer, Siliguri Circle,
Government of India, Ministry of Defence,
Opp. "M" Baazar, Sevoke Road, Siliguri-
734 001.

5. Shri U. K. Kundu, Upper Division Clerk,
Office of the Defence Estates Officer,
Kolkata, 13, Camac Street(6th Floor), Kolkata-
700 017.

.....Respondents.

For the Applicant : Mr. S. K. Dutta, Counsel

For the Respondents : Mr. S. Paul, Counsel
Mr. R. Roychoudhury, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

The applicant has preferred this O.A in order to seek the following reliefs:

"8(a) An order quashing and/or setting aside the impugned order of transfer dated 22nd June, 2018 and an order directing the respondent authorities to allow the applicant to continue at Siliguri till the decision regarding acceptance of her application of voluntary retirement is made.

(b) An order quashing and/or setting aside the release order dated 26th June, 2018.

(c) An order holding that there is no justification in deciding to transfer the applicant instead of considering and accepting the application of the applicant for voluntary retirement.

(d) An order directing the respondents to produce/cause production of all relevant records.

(e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. The applicant is a Civilian in Defence Service and while posted at Siliguri she applied for voluntary retirement by an application dated 31.05.2018 having completed more than 20 years of service and under Rule 48A of the CCS (Pension) Rules, 1971. The applicant is aggrieved as instead of considering her prayer for voluntary retirement, the department has transferred her to Kolkata

since she mentioned in the application for seeking voluntary retirement that her husband has settled in Kolkata. She has been transferred vide order dated 22nd June, 2018 from DEO Siliguri to DEO Kolkata. Before that order, on 21st June, 2018 the applicant once again prayed for release in view of the VRS which she has sought for. The respondents have turned a deaf ear to her request. They have not responded till date. Further, on 26.06.2018 the applicant informed that her husband sold his business at Kolkata and has shifted to Siliguri and therefore she prayed for her release so that she could proceed to Siliguri. The said representation has also failed to yield any response till date.

3. Ld. Counsel for applicant would argue that since a VRS is to be accepted within 3 months, during the notice period the applicant could not be transferred to Kolkata which transfer would not ensure to any benefit to the respondents, since in case her VRS is accepted during the said 3 months, she would leave from Kolkata. Therefore, the transfer order ought to be stayed pending consideration of the VRS application.

4. Ld. Counsel for respondents vehemently opposed the prayer on the ground that the respondents in consideration of the fact that her husband stayed at Kolkata sought to transfer her to Kolkata and the fact that her husband shifted to Siliguri was intimated to the authorities after the transfer order was issued and therefore she could not be considered. Therefore she did not deserve a stay.

5. Ld. Counsel for respondents submitted that the applicant was absent for a long period to which the Ld. Counsel for applicant responded that her absence was regularized appropriately as leave without pay.

6. The Ld. Counsels were heard and the materials on record were perused.

7. In as much as during the notice period seeking VRS the applicant has sought to be transferred in total non-consideration of the prayer for VRS, we dispose of the OA with a direction upon the Director General, Defence Estates i.e. the Respondent No. 2 to consider the representation of the applicant that she preferred on 31.05.2018 seeking for voluntary retirement from service upon completion of more than 20 years, with an appropriate reasoned and speaking order to be issued within the notice period i.e. the 3 months from the date of its receipt.

8. Till such time, the transfer order dated 22.06.2018 shall be kept in abeyance. Consequently, the release order shall be kept in abeyance.

9. Accordingly, OA would stand disposed of. No order is passed as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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