



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/978/2018

Date of Order: 06.07.2018.

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

Smt. Ajanta Goswami, wife of Shri Ujjwal Kumar Goswami, aged about 53 years, working as Upper Division Clerk (Now promoted as Office Superintendent) Office of the Additional Director General (Eastern Region) - I, CPWD, Nizam Palace, 6th floor, Kolkata- 700020, residing at 20A/4, Baishnab Ghata Bye Lane, GF-2, Shantiniketan Apartments, Kolkata - 700047.

-----Applicant

Versus

1. Union of India, service through the Secretary, Ministry of Housing and Urban Affairs, Nirman Bhavan, New Delhi - 110001.
2. The Special Director General, CPWD, Nirman Bhavan, New Delhi - 110001.
3. The Special Director General (ER), CPWD, 5th floor, Nizam Palace, Kolkata- 700020.
4. The Deputy Director General, Office of the Special Director General, CPWD, 5th floor, Nizam Palace, Kolkata- 700020.
5. The Additional Director General, (ER)-I, CPWD, 6th floor, Nizam Palace, Kolkata- 700020.

-----Respondents.

For The Applicant(s): Mr. K. Sarkar, Counsel
: Ms. A. Sarkar, Counsel

For The Respondent(s): Ms. D. Nag, Counsel

ORDER (ORAL)

Per: Dr. (Ms.) Nandita Chatterjee, Member (A):

Ld. counsel for the applicant and respondents are present.

2. Ld. counsel for the applicant submits that the instant application has been filed seeking the following relief:

[Signature]

" i) To direct the respondents to cancel, quash, set aside the impugned order of transfer/posting dated 02.07.2018 forthwith;

ii) to issue further direction upon the respondents and their men and agents to allow the applicant to continue as office assistant in any vacant post in Nizam Palace, forthwith;

iii) to direct the respondents to produce the Hard Case Committee Report at the time of hearing.

iv) and to pass such other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper. "

3. Ld. counsel for the applicant further submits that, in compliance to a direction passed by this Tribunal dated 03.05.2018 in O.A 350/582/2018, the respondent authorities have issued a speaking order on 02.07.2018, by which her request for change of posting (upon promotion in the grade of Office Superintendent) from Kolkata Central Elect. Division to any office located at Nizam Palace, Kolkata was rejected and that the instant application has been filed challenging the said speaking order.

4. Ld. counsel for the applicant also further contends that the applicant may be given liberty to submit a comprehensive representation, submitting the facts in her support, requesting for retransfer from Kolkata Central Elect. Division to any office located at Nizam Palace, Kolkata.

5. Ld. counsel for the respondents argues that her earlier representation has already been considered and decided upon by the order of the respondent authorities issued on 02.07.2018 and hence there is little scope of further representation. However, ld. counsel for the applicant vociferously submits that there is robust justification based on which the applicant may prefer a further representation.

6. Hence, without entering into the merits of the case, we hereby grant liberty to the applicant to prefer a comprehensive representation to the Respondent No. 3, namely, the Special Director General (ER), CPWD, stating her case and filing such documents as necessary in support of her prayer within 2 weeks of the date of receipt of this order. The Respondent No. 3 shall

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consider the case of the applicant within a further period of 4 weeks after receipt of such representation and dispose of the same with a reasoned and speaking order and in accordance with Rules. Till the disposal of the representation by Respondent No. 3, the respondents shall not take any coercive steps against the applicant in the context of her promotional transfer.

7. With the above directions, the O.A is disposed of. No orders on costs.

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(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss

W. S. Chatterjee
B. Banerjee