



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

Date of order : 9.07.2018

No. O.A. 350/00986/2018

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

Pravat Chandra Parui,
Son of Late Gobinda Chandra Parui,
Aged about 44 years, residing at Roy Bagan,
Nawabganj, District – 24-Parganas (North),
Pin – 743144 and working as
Junior Technical Officer (Scientific) i.e.
JTO (S) in the Controller of Quality Assurance (Metals),
Ichapur, West Bengal under the control & authority
Of Director General of Quality Assurance (DGQA)
Organisation, under the Government of India,
Ministry of Defence;

---Applicant

:Versus:

1. The Union of India,
Service through the Secretary,
Ministry of Defence,
Department of Defence Production,
New Delhi, Room No. 136, South Block,
Nirman Bhawan,
New Delhi – 110 011.

2. The Director General,
Directorate General of Quality Assurance (DGOA)
Organisation, Government of India,
Ministry of Defence, Room No. 308-A, D-Wing,
Sena Bhawan, Nirman Bhawan,
New Delhi – 110 011;

3. The Additional Director General of Quality
Assurance (Metals & Explosive),
Government of India, Ministry of Defence,
Department of Defence Production,
Post Office – Ichapur – Nawabganj,
District – 24 Parganas (North),
Pin – 743 144.

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4. The Controllerate of Quality Assurance (Metals), Ichapur, West Bengal service through the Controller of Quality Assurance (Metals), Ichapur having its office at Post Office-Ichapur-Nawabganj, District – 24 – Parganas (North), Pin – 743 144.

---Respondents

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Ld. Counsel for the applicant appears and files his affidavit of service.

None for the respondents.

2. Aggrieved at the order of transfer dated 4.6.2018 (Annexure "A-5" to the O.A.), the applicant has preferred the instant O.A. seeking the following relief:-

"a) To quash and/or set aside the impugned order of transfer being No. B/85336/DGQA(Metals)/Ichapur-734 144 dated 4th June, 2018 by which without considering of your applicant's representation dated 30th April, 2018, your applicant has been transferred from CQA (Metals), Ichapur to SQAE (Metals), Ambarnath, Maharashtra wherein the name of the applicant appeared at Serial No. 1 which is in utter violation of the paragraph 2 of the Transfer Policy dated 24th November, 2016 which was circulated vide Office Order dated 30th November, 2016 being Annexure A-5 of this original application.

b) To quash and /or set aside the impugned office order dated 2nd July, 2018 by which the respondent authority enforced your applicant to submit a letter from which date he wants to be SOS from the parent organization to join duty in transfer place i.e. SQAE (Metals), Ambarnath, Maharashtra without considering his representations dated 30th April, 2018 in violation of their own Transfer Policy dated 24th November, 2016 which was circulated vide office order dated 30th November, 2016 being Annexure A-6 of this original application.

c) To declare that the transfer order dated 4th June, 2018 of the present applicant from CQA (Metals), Ichapur to SQAE (Metals), Ambarnath Maharashtra is in utter violation of paragraph 2 of their own Transfer Policy dated 24th November, 2016 since the applicant did not complete the fixed tenure of 07 years as per the said transfer policy in his present place of posting i.e. in the office of the Controller of Quality Assurance (Metals), Ichapur, West Bengal.

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d) To pass an appropriate order directing upon the respondent authority that after setting aside the impugned order of transfer dated 4th June, 2018 in respect of the applicant wherein his name appeared at Serial No. 1, the applicant may be resume in duty to the post of JTO(S) in the office of the Controller of Quality Assurance (Metals), Ichapur, West Bengal;

e) Costs;

f) Any other relief or reliefs or Your Lordship may deem fit and proper;"

3. Ld. Counsel for the applicant further submits that a representation dated 2.7.2018 has been preferred before the respondent No. 4, who is the Controller of Quality Assurance (Metals), Ichapore, in which the applicant has prayed for retaining him at the same station and that the applicant's purpose will be served if the concerned respondent authorities are directed to pass orders on said representation of the applicant within a specific time.

4. Accordingly, without entering into the merits of the case, we direct the respondent No. 4, who is the Controller of Quality Assurance (Metals), Ichapore, to dispose of the said representation within a period of 4 weeks from the date of receipt of a copy of this order in accordance with law and, in particular, after having examined the specific contentions made out in the representation by the applicant.

5. Till such time, that is, until the representation is disposed of, no coercive steps will be taken by the respondent authorities to move the applicant from his present place of posting.

6. With this, the O.A. is disposed of. There will be no order as to costs.

(Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member