



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00987/2018

Date of order : 9.07.2018

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

Subhendu Das,
Son of Shri Tapan Kumar Das,
Aged about 39 years,
Residing at Nandi Bagan,
Paschim Pally, Post Office – Agarpara,
District – 24 Parganas (North),
Kolkata – 700 109 and working as
Assistant Engineer (Quality Assurance) in the
Senior Quality Assurance Establishment (Metals),
Ichapur, West Bengal under the control and
Authority of Directorate 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),

hsh

Pin - 743 144.

4. The Senior Quality Assurance Establishment (Metals),
Ichapur, Service through the
Senior Quality Assurance Officer (Metals),
Ichapur, having its office at
Post Office - Ichapur - Nawabgunj,
District - 24 Parganas (North),
Pin - 743 144.

---Respondents

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

For the Respondents : None

ORDER (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 22.6.2018 (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/M&E-5/Transfer/MET dated 22nd June, 2018 by which your applicant has been transferred from SQAE (Metals), Ichapur to SQAE (A), Kanpur, Uttar Pradesh wherein the name of the applicant appeared at Serial No. 4 which is in utter violation of the paragraph 2 and para 8(d)(ii) of the Transfer Policy dated 24th November, 2016 which was circulated vide Office Order dated 30th November, 2016 being Annexure A of this original application.

b) To declare that the transfer order dated 22nd June, 2018 of the present applicant from SQAE (Metals), Ichapur to SQAE (A), Kanpur, Uttar Pradesh is in utter violation of paragraph 2 and para 8(d)(ii) 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 and not only that his father is a handicapped person.

c) To pass an appropriate order directing upon the respondent authority that after setting aside the impugned order of transfer dated 22nd June, 2018 in respect of the applicant wherein his name appeared at serial No. 4, the applicant may be resume in duty to the post of Assistant Engineer

(Quality Assurance) in the Senior Quality Assurance Establishment (Metals),
Ichapur, West Bengal;

d) Costs;

e) 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 29.6.2018 has been preferred before the respondent No. 3, who is the Additional Director General of Quality Assurance (Metals & Explosive), 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. 3, who is the Additional Director General of Quality Assurance (Metals & Explosive), Ichapur, 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

SP

(1) Sl. No. of the appln.
(2) Name of the applicant
(3) Dt. of presentation or application for copy
(4) No. of pages
(5) Copying fee charged
(6) Urgent or ordinary
(7) Dt. of preparation of copy
(8) Dt. of delivery of the copy to the applicant