

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
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No.O A /351/1027/ 2018

Date of order: 16.07.2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

K. Amose,
Son of Late K. Kuppusamy, aged about
51 years, residing at Shoal Bay, District-
South Andaman, Pin-744104 and at present
Working to the post of Head Draughtsman
In the Road Construction Division, Andaman
Public Works Department, Wimberlygunj under
Andaman & Nicobar Administration

.....Applicant

-Versus-

1. Union of India, service through the Secretary, Ministry of Urban Development and Employment, Government of India, Nirman Bhawan, New Delhi-110001;
2. The Lieutenant Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair-744101;
3. The Chief Secretary, Andaman & Nicobar Administration, Secretariat Complex, Port Blair-744101;
4. The Secretary, Public Works Department (PWD) Andaman & Nicobar Administration, Secretariat Complex, Port Blair-744101;
5. The Chief Engineer, Andaman Public Works Department, Port Blair-744101;
6. The Superintending Engineer, Construction Circle-I, Nirman Bhawan, A7N, P.W.D., Port Blair-744101

.....Respondents

For the applicant : Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For the respondents : Mr. R. Halder, counsel

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O R D E R(Oral)A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging his transfer from RCD/Wimberlygunge to MID, Hut Bay vide order No.916 dated 6th July, 2018 issued by the Chief Engineer, Andaman Public Works Department (Annexure A/4).

In the O.A. the applicant has prayed for the following reliefs:-

"a)To quash and/or set aside the impugned Transfer Order No.916 dated 6th July,2018 issued by the Chief Engineer, Andaman Public Works Department in respect of the present applicant whose name appeared at Serial No.1 by which your applicant has been transferred from RCD Wimberlygung to MID, Hut Bay which is utter violation of the Transfer Policy dated 30thJuly,2003 being Annexure A-4 of this original application;

b)To declare that the ~~impugned~~ order of transfer dated 6th July,2018 in respect of the applicant whose name appeared at Serial No.1 who has completed all the zones except Zone-II and again transferring him to the place where your applicant has already completed his tenure and such order of transfer clearly violates the Transfer Policy dated 30th July,2003 introduced by the Andaman & Nicobar Administration."

2. Heard Mr. P.C. Das leading Ms. T. Maity, Id. counsel for the applicant and Mr.R. Halder, Id. counsel for the respondents.

3. Id. counsel for the applicant Mr. P.C. Das submitted that though the applicant filed detailed representation dated 09.07.2018 (Annexure A/5)to the respondent No.5 i.e. the Chief Engineer, Andaman Public Works Department, Port Blair followed by another representation dated 09.07.2018(Annexure A/6) to the Superintending Engineer, Construction Circle-1, Nirman Bhawan, A&N, P.W.D., Port Blair stating his grievances therein, he received no response to the same. Mr. Das further submitted that the applicant would be satisfied for the present if



a direction is given to the aforesaid authorities to consider and dispose of the representations of the applicant as per rules within a specific time frame.

Though no notice has been issued to the respondents I find that it would not be prejudicial to either of the parties, if the above prayer of the Id. counsel for the applicant is allowed.

4. Accordingly the Respondent No.5 i.e. the Chief Engineer, Andaman Public Works Department, Port Blair or the Respondent No.6 i.e. the Superintending Engineer, Construction Circle-1, Nirman Bhawan, A&N, P.W.D., Port Blair is directed to consider and dispose of the representation/representations of the applicant dated 09.07.2018(Annxure A/5 & A/6) by passing a well reasoned order as per the rules and regulations in force within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. So far continuance of the applicant in the present place of posting is concerned, status quo as on today shall be maintained till his representation is disposed of and the result is communicated to him.

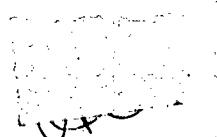
5. It is made clear that I have not gone into the merits of this case and all the points raised in the representations are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

6. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

7. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to Respondent No.5 and 6 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost by next

WdL

Friday i.e. 20.07.2018. A free copy of this order may also be given to the I.d. counsel for the respondents.


(A. K. Patnaik)
Judicial Member

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