



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

No. O.A. 351/01083/2018

Date of order : 26.07.2018

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

S. Rajendran,
Son of Late R. Sundaram,
Resident of Bathubasti Village,
Under Portblair – Tehsil,
District – South Andaman – 744 101.

.. Applicant

- V E R S U S -

1. The Union of India,
Ministry of Urban Development,
New Delhi,
Service through the Secretary 110 001.
2. The Lt. Governor,
Raj Niwas,
Andaman & Nicobar Islands,
Port Blair – 744 101.
3. The Chief Secretary,
Andaman & Nicobar Administration,
Secretariat,
Port Blair – 744 101.
4. The Chief Engineer,
Office of the Chief Engineer,
Andaman Public Works Department,
Nirman Bhawan,
Port Blair.
5. Commissioner-cum-Secretary CPWD,
Andaman & Nicobar Administration,
Port Blair – 744 101.

.. Respondents

For the Applicant : Mr. A.K. Banerjee, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Mr. R. Haldar, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Ld. Counsel for the applicant and respondents are present.

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2. The instant Original Application has been filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:

- "i) To cancel and/or withdraw and/or rescind and/or set aside the impugned order of transfer No. 914 dated 6th July, 2018 published on 12th July, 2018 issued by the Chief Engineer under the signature of the Engineer Officer;
- ii) To direct the respondents to issue fresh order of transfer strictly in accordance with the revised transfer policy of 2003 and after implementation of decision of the Departmental Promotion Committee dated 24th November, 2017 taking into account the representation made by the applicant on 8th June, 2018;
- iii) To consider the representation dated 8th June, 2018 by the respondent authority concern after taking into account the decision of the Departmental Promotion Committee dated 24th November, 2017;
- iv) An order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal.
- v) Pass such further order or orders and/or direction or directions as this Hon'ble Tribunal may deem fit and proper."

3. During oral submissions, both Ld. Counsel for the applicant and respondents agree that the respondents may be directed to dispose of the pending representation dated 5.6.2018 (Annexure A-4 to the O.A.) in the light of the minutes of the DPC meeting held on 24.11.2017 (Annexure A-2 to the O.A.) within a specific time frame.

4. As per the DPC meeting held on 24.11.2017 the reversion of the applicant has already been proposed to the post of Draughtsman Grade – III (Civil). The applicant apprehends that in case he is transferred as Junior Engineer to Rangat, it may create further complications. Therefore, the applicant does not have any objection, if he is transferred after implementation of the reversion order.

5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 4, who is the Chief Engineer, Office of the Chief Engineer, Andaman Public Works Department, Nirman Bhawan, Port Blair to examine and dispose of the representation dated 5.6.2018 within a period of 4 weeks from the date of receipt of this order with a reasoned and speaking order and in the light of the minutes of the DPC meeting (annexed as A-2 to the O.A.). 5. As urged by the Ld. Counsel for the applicant, the applicant, who is at Srl. No. 59 in the seniority list, may be given an opportunity of being heard and further until the

disposal of such representation, the transfer order dated 6.7.2018 (Annexure A-3 to the O.A.) cannot be given effect to in the context of the applicant.

6. The O.A. is accordingly disposed of. There shall be no order as to costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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