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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 1155 of 2018

IN THE MATTER OF:

Ms. DIPANNITA DAS, daughter of Late  
Nalini Ranjan Das, aged about 42 years,  
working to the post of Upper Division Clerk  
in the Debts Recovery Appellate Tribunal,  
Kolkata 9, Old Post Office Street, 7<sup>th</sup> Floor,  
Kolkata- 700001 and residing at 261(Old)  
/ 512(New), Rishi Bankim Avenue, Post  
Office- Bhadreswar, District- Hooghly, Pin-  
712124;

...Applicant

-Versus-

1. UNION OF INDIA service through the  
Secretary, Ministry of Finance,  
Department of Financial Services  
(Banking Division), Jeevan Deep, 10,  
Parliament Street, New Delhi-110001.

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2. THE JOINT SECRETARY, Ministry of  
Finance, Department of Financial  
Services (Banking Division), Jeevan  
Deep, 10, Parliament Street, New  
Delhi-110001;

3. THE REGISTRAR, Debts Recovery  
Appellate Tribunal, Kolkata, 9, Old  
Post Office Street, Kolkata- 700001;

4. THE REGISTRAR, Debts Recovery  
~~Appellate~~ Tribunal, Siliguri, PCM  
Tower, 2<sup>nd</sup> Mile, Sevoke Road, Siliguri-  
734001.

5. SHRI P. KANKA RAJU, working to the  
post of UDC at Debts Recovery  
Tribunal, Visakhapatnam, Daba  
Gardens, 104 Area, Visakhapatnam,  
Andhra Pradesh, Pin-530020.

...Respondents.

1. DETAILS OF THE APPLICATION:

*W.A.*

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No. O A /350/1155/ 2018

Date of order: 06.08.2018

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

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

**For the respondents : Mr. R. Halder, counsel (For Registrar, DRAT)**

**ORDER(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 the impugned order of transfer No.1/4/DRAT/KOL/2018 dated 31<sup>st</sup> July, 2018 issued by the Registrar, Debts Recovery Appellate Tribunal, Kolkata against the applicant whereby the applicant has been transferred from DRAT, Kolkata to DRT, Cuttack without any promotion and without any recommendation of the Placement Committee(Annexure A/3).

2. In the O.A. the applicant has sought the following reliefs:-

"8.(a) To quash and/or set aside the impugned order of transfer No.1/4/DRAT/KOL/2018 dated 31<sup>st</sup> July, 2018 issued by the Registrar, Debts Recovery Appellate Tribunal, Kolkata against the applicant wherein the name of the applicant appeared at Serial No.1 who has been transferred from DRAT, Kolkata to DRT, Cuttack without giving any promotion and without any recommendation of the Placement Committee being Annexure A-3 of this original application;

b) To declare that the impugned order of transfer dated 31<sup>st</sup> July 2018 of the applicant without any promotion and without any recommendation from the Placement Committee is otherwise bad in law and illegal which clearly violates the decision of the Hon'ble Supreme Court in the case of

(Signature)

TSR Subramanian-vs-Union of India & Ors.(supra) because without framing any Placement Committee and without recommendation of any Placement Committee , the impugned order of transfer is issued which may be liable to be quashed and/or set aside in the eye of law;

- c) To declare that the impugned order of transfer dated 31<sup>st</sup> July, 2018 which has been issued by the authority against the applicant to deprive his promotional aspect to the post of Assistant Registrar is otherwise bad in law and illegal and may be liable to be quashed and/or set aside in the eye of law;
- d) Costs;
- e) Any other relief or reliefs."

3. Heard Mr. P.C. Das leading Ms. T. Maity, Id. counsel for the applicant and Mr. R. Halder, Id. counsel appearing for Respondent No.3.

4. Mr. P.C. Das, Id. counsel for the applicant submitted that the applicant has been transferred from DRAT, Kolkata to DRAT, Cuttack without any promotion and without any recommendation of the Placement Committee vide order dated 31.07.2018(Annexure A/3) which is not maintainable in the eye of law because the respondent authorities have mentioned in their Transfer Policy that promotion/transfer orders would preferably be issued on the last working day of the week but they have arbitrarily and whimsically issued the order of transfer on the very next day of the inception of the Transfer Policy i.e. on 31<sup>st</sup> July, 2018 in gross violation of their own Transfer Policy. It is also submitted by Mr. Das that the said order of transfer dated 31.07.2018 is bad in law and illegal because such order has been issued without the recommendation of the Placement Committee which is essential as per rules and there is no mention in the same as to what kind of public interest is involved in transferring the employees from one DRAT to another. Mr. Das further submitted that though the applicant has filed a detailed representation to the Respondent No. 3 on 01.08.2018(Annexure A/4) ventilating



her grievances therein, she received no response to the same till date, therefore, the applicant would be satisfied for the present if a direction is given to the Respondent No.3 i.e. the Registrar, Debts Recovery Appellate Tribunal, Kolkata to consider and dispose of the representation of the applicant dated 01.08.2018(Annexure A/4) as per rules within a specific time frame.

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

6. Accordingly the Respondent No.3 i.e. the Registrar, Debts Recovery Appellate Tribunal, Kolkata is directed to consider and dispose of the representation of the applicant dated 01.08.2018(Annexure A/4) by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith. Status quo as on date so far as continuance of the applicant in the present place of posting, shall be maintained till the representation of the applicant is considered and result is communicated to her.

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

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

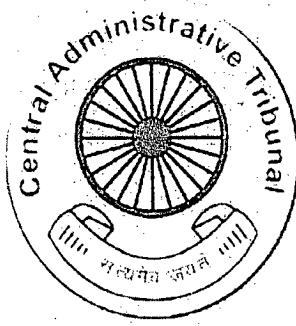
9. As prayed by Id. counsel for the applicants, a copy of this order along with the paper book be transmitted to Respondent No.3 by the Registry through speed post for which Id. counsel for the applicant shall deposit the cost within one week.



A free copy of this order be given to Id. counsel for the Respondent No.3 Mr. R. Halder.

( A. K. Patnaik )  
Judicial Member

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