

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/01164/2016

Date of order : 5.8.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

ANTARYAMI NAIK

VS

UNION OF INDIA & ORS.

For the applicant : Mr.N.Roy, counsel

For the respondents : Mr.B.P.Manna, counsel

O R D E RMs. Bidisha Banerjee, J.M.

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Ld. Counsels for the parties were heard and materials on record were perused.

3. The applicant has sought for a direction upon the respondents to consider his transfer to Kolkata or Bhubaneswar where vacancy is available instead of Gwalior where he is proposed to be transferred vide order dated 22.7.16.

4. The applicant is aggrieved as longer stayees (one such A.K.Tagore) have been retained at Kolkata and despite an order of transfer, one B.B.Jena of Bhubaneswar who was transferred to Patna was directed to join back at Bhubaneswar by an order dated 20.10.15 whereas the applicant although

being recommended for transfer to Bhubaneswar by the Executive Engineer on 27.5.16, has been transferred to Gwalior.

It is submitted that the wife of the applicant needs regular medical check up and therefore his posting at Bhubaneswar should be considered sympathetically. More so he had been away from his native place continuously for more than 10 years.

5. Ld. Counsel for the applicant submits that he shall be satisfied if a direction is given for consideration in terms of letter dated 14.11.14 as contained in Annexure A/13 to the OA issued by Chief Engineer (North) expressing that as per existing transfer policy for NWDA's employees, such employees who have completed four years or more of service at a particular station can request for transfer to the place of choice. It is noticed that after issuance of the transfer order dated 22.7.16 no representations have been preferred by the applicant seeking a respite from the transfer.

6. Therefore the OA is disposed of with a direction upon the applicant to prefer a representation before the competent authority within 15 days which if ~~so~~ preferred shall be considered in accordance with the transfer policy holding the field as on this date, with a reasoned and speaking order within one month from its receipt.

7. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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