



: 1 :

AN APPLICATION :

Under Section 19 of the Administrative Tribunals Act, 1985

BETWEEN

OA. 1174/2017

MR. SWAPAN KUMAR SARDAR

son of Late Satish Chandra Sardar,

Working as Stores Officer, AP & M Division, ER,

Geological Survey of India,

27, Jawaharlal Nehru Road,

Kolkata- 700016

Residing at Banamalipur, Near Chhatakai

P.O. & P.S. Barasat,

Kolkata- 700124

..... Petitioner / Applicant

AND

1. Union of India through the Secretary,
Ministry of Mines,
3RD Floor, A Wing, Shastri Bhawan
New Delhi - 110001.

Director General,

Geological Survey of India,

27, Jawaharlal Nehru Road,

Kolkata- 700016

3. Deputy Director General (HRD),
Geological Survey of India,
27, Jawaharlal Nehru Road,
Kolkata- 700016

..... Respondents

No. O.A. 350/01174/2017

Date of order: 17.8.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. B.R. Das, Counsel

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. B.R. Das, Ld. Counsel for the applicant and Mr. A.K. Chattopadhyay, Ld. Counsel for the Union of India.

2. This OA has been filed by Swapan Kumar Sardar, working as Stores Officer, AP & M Division, ER, Geological Survey of India challenging Office Order No. 407/102-G/HRD/Trans(Oth)/2017/20 dated 15.6.2017 and Office Order No. 394/102-H/HRD/Def.(Oth)/2017/20 dated 14.7.2017. This O.A. has been filed praying for the following reliefs:

- "i) Rescind, recall and/or modify the order A1 transferring the petitioner from Calcutta to Itanagar.
- ii) Consider the representations/appeal of the petitioner in their proper perspective.
- iii) Certify and transmit the entire records and paper pertaining to the applicant's case so that after the causes shown thereof conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) and (ii), above.
- iv) Any further order/orders and/or direction or directions as to your Lordships may seem fit and proper."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant joined as Stores Clerk in the Department in 1989 and was finally promoted as Stores Officer after passing through promotional posts of Asstt. Stores Keeper, Stores Keeper and then Stores Superintendent. He was promoted as a Stores Officer in Group 'B' post w.e.f. 30.3.2015 in the



scale of pay of Rs. 9300-34,800/- (GP Rs. 4600/-). He is left with around three years of service for superannuation and has been transferred to Itanagar. He preferred an appeal and expressed his desire to join at Bhubaneswar on 31.10.2017. He preferred several representations dated 20.6.2017, 2.8.2017 and 9.8.2017, which are still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 9.8.2017 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant have been preferred on 9.8.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 9.8.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. We make it clear that as we have not expressed any opinion on the merits of the case still then taking into consideration the unequivocal submission made by the applicant that he is willing to go to Bhubaneswar. As the post is going to remain vacant, the authorities may consider his case



sympathetically as per the transfer policy guidelines and till such time no further coercive action may be taken against the applicant.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

SP