



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH,

NIJAM PALACE, KOLKATA

AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

O. A. No. 1176 of 2017

Mr. Chinna Murugan, Son of C. Chinna
Govindan, residing at Flat No. A/7, No. 32,
Government Hospital Estate, Ballygunje
Circular Road, Kolkata- 700020. *Working as Secretary*
G.T.A. Darjeeling.Applicant

-Versus-

1. The Union of India, Service through The
Secretary, Department of Personnel and
Training, North Block, New Delhi - 110001.
2. The Principal Secretary to the Government of
West Bengal, Personnel and Administrative
Reforms Department, "Nabanna", 325, Sarat
Chatterjee Road, H.R.B.C. Building,
Mandirtala, Howrah, Pin - 711102.

..... Respondents.

NA

No. O.A. 350/01176/2017

Date of order: 30.8.2017

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

For the Applicant : Mr. D.N. Ray, Counsel
Mr. S.N. Ray, Counsel

For the Respondents : Ms. S. Mukherjee, Counsel

ORDER (Oral)A.K. Patnaik, Judicial Member:

Heard Mr. D.N. Ray along with Mr. S.N. Ray, Ld. Counsel for the applicant and Ms. S. Mukherjee, Ld. Counsel for the official respondents.

2. This OA has been filed by Mr. Chinna Murugan challenging inaction on the part of the respondent authorities in not allowing him to depute to Tamilnadu Cadre for better treatment of his younger son, who is suffering from "Autism with ADHD" and undergoing treatment for the last three years without any improvement in his health condition. This O.A. has been filed praying for the following reliefs:

- (a) An order do issue directing the concerned respondent authorities to forthwith issue No Objection Certificate for Inter Cadre Deputation to Tamilnadu taking into consideration the health condition of his younger son who has been diagnosed with Autism Spectrum Disorder (ASD) and Attention Deficit Hyperactivity Disorder for the past 03 years and as such visited different therapy centres and hospitals in Kolkata, but there is no significant improvement in his health and further as per observation of the consulting doctors.
- b) A further order to issue directing the concerned respondent authorities to allow your applicant to move to Tamilnadu for the present as it has been advised by the consulting doctors that the child's development will speed up if he is exposed to his mother tongue only for which he needs to stay in an environment that is enriched with his mother tongue (preferably in his native place) along with his family.
- c) A order do issue directing the respondent authorities to consider and dispose of the representation dated 20.9.2016, 9.3.2017 as well as 5.4.2017 by passing a speaking and reasoned order, and communicating the decision thereof without any further delay after giving an opportunity of hearing.
- d) An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble tribunal in ends of justice.
- e) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the

applicants."

5. The facts in a nut shell as per Mr. Ray, Ld. Counsel for the applicant are that the respondent authorities are not allowing the applicant to be deputed to Tamilnadu Cadre for better treatment of his younger son, who is suffering from "Autism with ADHD" and undergoing treatment for the last 3 years with any improvement in his health condition. The consulting doctor has recommended that his son should be exposed to his mother tongue only for his development for which he needs to be deputed there. He has preferred several representations to the Principal Secretary to the Government of West Bengal, Personnel & Administrative Reforms Department and also before the Chief Secretary, which are still pending consideration.

6. Mr. Ray, Ld. Counsel for the applicants 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 Nos. 1 & 2 to dispose of the representation dated 20.9.2016 within a specific time frame. Ms. S. Mukherjee, Ld. Counsel for the respondent No. 2 raised no serious objection if the O.A. is disposed of by directing the respondent Nos. 1 & 2 to consider and dispose of the said representation stated to have been made on 20.9.2016 as per rules in force.

7. Therefore, I dispose of this O.A. by directing the respondent Nos. 1 & 2 that, if any, such representation as claimed by the applicant have been preferred on 20.9.2016 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.

8. Though I have not entered into the merits of the case still then I 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. 1 & 2 from the date of such consideration to extend those benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 20.9.2016 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.

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

10. As prayed for by Mr. Ray, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 1 & 2 by speed post for which Mr. Ray undertakes to deposit necessary cost in the Registry by the next week.

(A.K. Pattnaik)
Judicial Member

SP