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OA 1244/17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
KOLKATA BENCH.

DETAILS OF THE APPLICATION:

PARTICULAR OF THE APPLICANTS:

Dr. Bhriguram Ari, son of Late Sripati Kumar Ari, aged about 59 years, by Occupation-ACMS/SRC/S.E, Railway, residing at Flat No. 3E, Block No. 4, 27, Christopher Road, Kolkata-700046, West Bengal.

...APPLICANT.

-V E R S U S-

PARTICULAR OF THE RESPONDENTS:

1. Union of India, service through the General Manager, South Eastern Railway, Garden Reach, Kolkata-700043.
2. The Director General (RHS), Railway Board, Rail Bhawan, New Delhi-110001.
3. The Chief Personnel Officer, South Eastern Railway, Garden Reach Road, Kolkata-700043.
4. The Chief Medical Director, South Eastern Railway, 11 Garden Reach Road, Kolkata-700043.

...RESPONDENTS.

AB

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/1244/2017

Date of order : 31.8.2017

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

For the applicant : Mr.A.Chakraborty, counsel

For the respondents : Mr.B.L.Gangopadhyay, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.A.Chakraborty, Id. Counsel appearing for the applicant.

Mr.B.L.Gangopadhyay, Id. counsel appeared for the respondents.

2. This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following relief :

"An order do issue directing the respondents to consider the representation preferred by the applicant for his transfer at convenient Health Unit under Eastern Railway at an earliest and to take a reasoned decision thereon without any further delay."

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant joined the service of the Railway in 1990. While working as Sr. DMO at Chakradharpur, the applicant was transferred to Santragachi on own request in 2012. At present he is working as Additional Chief Medical Superintendent at Santragachi. As he was having some family problem, in 2016 he made a representation before the respondent No.2 to consider his case for transfer at Unit under Eastern Railway preferably at Kamardanga Health Unit, but nothing happened.

Hence this application.

4. On being questioned Mr.Chakraborty fairly submitted that on receiving the order dated 23.8.2017, apprehending further coercive action on the part of the respondent authorities which will put the applicant in disadvantageous position, she has rushed to this Tribunal by filing the instant OA. However, Mr.Chakraborty submitted that the applicant will have no grievance if he is allowed to file a comprehensive representation pinpointing his grievances

Vd.

addressed to respondents No. 2 & 3 within a period of 2 weeks from today and the respondents No. 2 & 3 are directed to consider the representation to be preferred by the applicant and pass appropriate orders within a specific time frame. Mr.Chakraborty also prayed that the applicant should be given some protection for the time being.

Mr.Gangopadhyay, Id. Counsel for the respondent authorities vehemently opposed the grant of protection by stating that the official respondents have not done anything illegal.

5. I do not think it will be prejudicial to either side if the OA is allowed to disposed of by granting liberty to the applicant to make a comprehensive representation annexing all the relevant documents before the respondents No. 2 & 3 within a period of 2 weeks from today and if within 2 weeks such a representation is preferred, respondents No. 2 & 3 are directed to consider the same keeping in mind all points raised in the representation as well as the rules and regulations governing the field and communicate the result thereof to the applicant within 6 weeks from the date of receipt of such representation.

6. Though I have not gone into the merits of the case, still then I direct that till such representation is made and disposed of status quo as on date so far as the continuance of the applicant is concerned, will be maintained by the respondents.

7. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

8. As prayed for by Mr.Chakraborty, a copy of this order along with the paper book of this OA be transmitted to respondent No. 2 & 3 by Speed Post for which he will deposit the cost with the Registry within a period of one week. A free copy of this order be handed over to Mr.B.L.Gangopadhyay, Id. Counsel for the respondents.

(A.K.PATNAIK)
MEMBER (J)

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