



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O.A. No.350/0 1254 of 2017

SRI CHANDAN BANDOPADHYAY, son of

Late Gangadhar Bandopadhyay, aged

about 54 years, residing at, F/No.3A,

Mohit Apartment, Manicktala (West)

Ichapur, Post Office Ichapur,

Nawabganj, District : North 24-

Parganas, Pin-743144 and working as

Assistant Engineer (Quality Assurance)

in the office of the ^{Controller} of Quality

Assurance (Metals & Explosives),

Ministry of Defence (DGQA), Department

of Defence Production, P.O. Ishapore,

Nawabganj, 24-Parganas (North), Pin-

743144.

... APPLICANT

V E R S U S

1. UNION OF INDIA, service through

the Secretary, Ministry of Defence,

Department of Defence Production, New

Al

Delhi, Room No.136, South Block,
Nirman Bhawan, New Delhi-11001.

2. **THE DIRECTOR GENERAL,**
Directorate General of Quality
Assurance (DGQA) Organisation,
Government of India, Ministry of
Defence, Room No.308-A, D-Wing, Sena
Bhawan, Nirman Bhawan, New Delhi-
110011.

3. **THE ADDITIONAL DIRECTOR
GENERAL OF QUALITY ASSURANCE
(METALS & EXPLOSIVES),** Government
of India, Ministry of Defence (DGQA),
Department of Defence Production,
Directorate of Quality Assurance (Metals
& Explosives), Ishapore, Post Office
Ichapur-Nawabganj, District : 24-
Parganas (North), West Bengal, Pin-
743144.

4. **THE DEPUTY DIRECTOR,**
Government of India, Ministry of
Defence (DGQA), Department of Defence

ALL

Production, Directorate of Quality
Assurance (Metals & Explosives),
Ishapore, Post Office Ichapur-
Nawabganj, District : 24-Parganas
(North), West Bengal, Pin-743144.

5. THE DIRECTORATE OF QUALITY
ASSURANCE (METALS & EXPLOSIVES),

Government of India, Ministry of
Defence (DGQA), Department of Defence

Production, Directorate of Quality
Assurance (Metals & Explosives),
Ishapore, Post Office Ichapur-
Nawabganj, District : 24-Parganas
(North), West Bengal, Pin-743144.

... RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/1254/2017

Date of order : 31.8.2017

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

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

For the respondents : Mr.A.K.Chattopadhyay, counsel

O R D E R

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

Heard Mr.P.C.Das, Id. Counsel along with Ms.T.Maity, Id. Counsel appearing for the applicant and Mr.A.K.Chattopadhyay, Id. Counsel appearing 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 :

- a) To quash and/or set aside the impugned transfer order NO. B/85336/DGQA/M&E-5/Transfer/MET/8 dated 27th July, 2017 issued by the Additional Director General of Quality Assurance, Government of India, Ministry of Defence (Department of Defence Production) in respect of the present applicant, wherein the name of the applicant appeared at Serial No.1 in the said transfer order by transferring your applicant from CQA (M&E) Ichapur, to SQAE (MET) Ambarnath being Annexure A/2 of this Original Application;
- b) To declare that the impugned transfer order dated 27th July, 2017 transferring your applicant from CQA (M&E) Ichapur to SQAE (MET) Ambarnath without any public interest despite a large numbers of vacancies are therein the concerned Establishment at Ishapore which is appearing at Annexure A/2 of this Original Application is otherwise bad in law and illegal;
- c) To declare that before issuance of the impugned transfer order dated 27th July 2017 against the present applicant without forming a Placement Committee and without placing the matter before the Placement Committee the impugned order of transfer has been issued which is otherwise bad in law and illegal in the light of the decision passed by the Hon'ble Supreme Court in the case of T.S.R.Subramanian reported in 2013(15) SCC;
- d) Costs;
- e) Any other appropriate relief or reliefs as your Lordships may deem fit and proper.

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3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant is at present holding the post of Assistant Engineer (Quality Assurance) in the office of Directorate of Quality Assurance (Metals & Explosives), Ministry of Defence (DGQA), Department of Defence Production, Ichapur. The respondent authorities have issued a Rotational Transfer Order vide transfer order No. B/85336/DGQA/M&E-5/Transfer/MET/8 dated 27th July, 2017 against the applicant and some other employees. Despite vacancies to the post of Assistant Engineer (Quality Assurance) being available in the said department, the respondents have issued the said transfer order. Moreover, before issuance of the said transfer order, the case of the applicant was not placed before the Placement Committee. Since the movement order was to be issued on 26.8.2017, the applicant has rushed to this Tribunal in the instant OA.

4. Mr.Das fairly submitted that the grievance of the applicant will be more or less addressed if a direction is issued to the respondents No. 1, 2 & 3 to consider the representation preferred by the applicant on 28.8.2017 (Annexure A/4 to the OA) and pass appropriate orders within a specific time frame. Mr.Das also prayed that some protection should be given to the applicant for the time being.

Mr.Chattopadhyay, Id. Counsel for the official respondents has filed certain documents by way of affidavit today, which are taken on record. He also vehemently opposed grant of interim order. However, I am satisfied that if the interim protection is not given to the applicant, this OA will become infructuous.

5. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without entering into the merits of the case, the OA is disposed of at the admission stage by directing the respondent No. 1, 2 & 3 to consider the representation dated 28.8.2017, if any such representation has been preferred by the applicant and the same is still pending consideration and dispose it of by passing a well reasoned and

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speaking order and communicate the same to the applicant within 6 weeks from the date of receipt of this order.

6. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representations are kept open for the said respondent No.1, 2 & 3 to consider the same as per the rules and regulations in force, still then I hereby direct that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of 6 weeks from the date of such consideration to extend those benefits to the applicant.

7. However, I also made it clear that if in the meantime the said representation has already been considered and disposed of, the result be communicated to the applicant within a period of 4 weeks from the date of receipt of this order.

8. I also made it clear that status quo as on date so far as the continuance of the applicant is concerned, will be maintained till the disposal of the representation dated 28.8.2017.

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

10. As prayed for by Mr.Das, a copy of this order along with the paper book of this OA be transmitted to respondent No.1, 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.A.K.Chattopadhyay, Id. Counsel for the respondents.

(A.K.PATNAIK)
MEMBER (J)