

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

LIBRARY

ORDER SHEET

COURT NO. : 1

27.08.2018

O.A./350/1271/2018
(MENTIONED)

ASHIS KUMAR NATH
-V/S-
CPWD

ITEM NO:11

FOR APPLICANTS(S) Adv. : Mr. K.Sarkar

FOR RESPONDENTS(S) Adv.: Mr. P.Mukherjee

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. K.Sarkar, Ld. Counsel for the applicant, and Mr. P.Mukherjee, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">i) To issue direction upon the respondents to their men and agents to cancel, quash, set aside the impugned order of posting t PCC, Patna dated 14.08.2018 forthwith;</p> <p style="padding-left: 40px;">ii) To issue further direction up the respondents and their men and agents to allow the applicant to work in the promoted post of Assistant Administrative Officer (AAO)(Group-“B” Gazetted) till disposal of the above Original Application;</p> <p style="padding-left: 40px;">iii) To deal with and disposed of the representation of the applicant dated 7.08.201 forthwith;</p> <p style="padding-left: 40px;">iv) To produce connected departmental records at the time of hearing.</p> <p style="padding-left: 40px;">v) And other order.....”</p> <p>3. The sum and substance of the case of the applicant is that being promoted as Assistant Administrative Officer, he has been transferred to PCC, Patna against a vacant post although he has only one year left to retire.</p> <p>4. Mr. P.Mukherjee, Ld. Counsel for the Official Respondents, raised an objection to grant of any relief by stating that the rule provides that in case of promotion the incumbent will be transferred to another place.</p> <p>5. Mr. K.Sarkar, Ld. Counsel for the applicant, drew my attention to Annexure-A/1, in which the name of one Mr. Dulal Debnath is reflected at Sl.No. 4. He submitted that the said Mr. Dulal Debnath had less than one year of service left and he was transferred from Kolkata Circle III to SDG(ER), Kolkata, i.e. within Kolkata city. Mr. Sarkar submitted that applicant's representation in this regard under Annexure-A/4.</p>

is still pending consideration. He submitted that the grievance of the applicant is likely to be redressed if a specific time frame is granted to Dy. Director (Admn.) [Respondent No.4] to consider the said representation preferred on 17.08.2018 particularly keeping in mind the case of Mr. Dulal Debnath about whom the applicant has already mentioned in paragraph 4 of the said representation.

6. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.4 to consider the representation as at Annexure-A/4, dated 17.08.2018, if any such representation has been preferred and is still pending consideration, keeping in mind the transfer of Mr. Dulal Debnath, who is stated to be similarly situated employee whose residual service was left over less than one year and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. Till such time, status quo as on date so far as continuance of the applicant is concerned will be maintained.

7. Although, I have not expressed any opinion on the merit of the matter, still then I hope and trust that if after such consideration the applicant is found to be similarly situated employee like Dulal Debnath then necessary appropriate action will be taken by the Respondents to accommodate him in Kolkata. I make it clear that I have not expressed any opinion on the merit of the case and all the points raised in the representation will be considered as per Rules and Regulations in force.

8. However, I also make it clear that if in the meantime the said representation under Annexure-A/4 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

9. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

10. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.4 by Speed Post for which he undertakes to deposit the cost with the Registry by 28.08.2018.

11. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)