



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O. A. No. 1282/ of 2017

In the matter of:

An application u/s 19 of the
Administrative Tribunals Act, 1985

And

In the matter of:

Dr Prasan Kumar Das,

Son of Late Hare Krushna Das/

Working for gain as Addit...

Chief Medical Superintendent at Adra
under the South Eastern Railway

residing at DS- 163, Officers Colony,

South Eastern Railway, Adra, District

Purulia. Pin Code 723121

....., Applicant

Versus

1. The Union of India, service
through the Secretary, Railway Bo...

Ministry of Railways, Kailashnagar
Delhi,

2. The General Manager, So...
Eastern Railway, 1, Garden Reach
Road, Kolkata 700 043

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3. The Chief Medical Director

Central Hospital, South Eastern Railway

11, Garden Reach Road, Kolkata 700

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4. The Chief Personnel Officer

South Eastern Railway, 11, Garden

Reach Road, Kolkata 700 043

5. The Sr Personnel Officer

South Eastern Railway, 11, Garden

Reach Road, Kolkata 700 043

Respondents

6. Dr Puran Mal

The Chief Medical Director, Central

Hospital, South Eastern Railway

Garden Reach Road, Kolkata 700 043

7. Mr S N Agarwal

The General Manager, South Eastern

Railway, 11, Garden Reach Road

Kolkata 700 043

..... Private Respondents

has

No. O.A. 350/01282/2017

Date of order: 14.9.2017

Present : Hon'ble Ms. Manjula Das, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. L.K. Chatterjee, Counsel
 Mr. C.S. Bag, Counsel

O R D E R (Oral)

Nandita Chatterjee, Administrative Member:

Heard Ld. Counsel for both sides.

2. Ld. Counsel for the applicant submits that the instant application assails the purported order No. 204/2017 dated 29.8.2017 of the respondents whereby the applicant has been transferred to Bandamunda in Orissa instead of implementing the earlier order of transfer issued by the respondents transferring the applicant to Kharagpur.

3. That, the earlier representations preferred by the applicant praying for posting at Kharagpur or Santragachi were not considered. The applicant seeks relief for directing the respondent authorities to rescind/cancel/withdraw the impugned memo No. 204/2017 dated 29.8.2017, to restrain the respondents from acting any further on the basis of the impugned order and, inter alia, to allow him to continue as ACMS at Adra.

4. Per contra, the Ld. Counsel for the respondents argued that as vide order dated 29.8.2017, the applicant had been posted as ACMS at Bandamunda Sub-Divisional Hospital Unit, there has not been any down grading of his professional status in the impugned transfer.

5. That, the transfer at Bandamunda is in public interest and that there are administrative difficulties in transferring the applicant back to Kharagpur as will be evident from the respondents' order dated 1.4.2005 in

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the background of negligence of the applicant in the treatment of one case of advanced pregnancy resulting in the death of the patient as well as the baby while the applicant was posted as Sr. DMO at Kharagpur.

6. It is seen that the applicant has not preferred any representation against the impugned order dated 29.8.2017.

7. Consequently the applicant is at liberty to file a comprehensive representation before the authorities by narrating his grievances within a period of 2 weeks; after receipt of the same the respondent authorities are directed to consider and dispose of the representation by passing a speaking and reasoned order within a period of 4 weeks from the date of receipt of the representation.

8. The O.A. is, accordingly, disposed of.

9. Status quo with respect to his present place of posting to continue until the disposal of the representation of the applicant by the respondent authorities.

(Dr. Nandita Chatterjee)
Administrative Member

SP

(Manjula Das)
Judicial Member