



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 Addl.

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 Board,

Ministry of Railways, Kailash Bhawan, New

Delhi,

2. The General Manager, South

Eastern Railway, 1, Garden Reach

Road, Kolkata 700 042

Handwritten signature

3 The Chief Medical Director
Central Hospital, South Eastern Railway
11, Garden Reach Road, Kolkata 700
043

4. The Chief Personnel Officer
South Eastern Railway, 11, Garden
Reach Road, Kolkata 700 043

5. The Sr Personnel Officer (G)
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

Wah

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

Ge

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

(Manjula Das)
Judicial Member

SP