



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/0 1425 Of 2017

Shri Biswadev Bose son of Late Naresh

Chandra Bose aged about 58 years, posted

at 9/1, Gariahat Road, Kolkata - 700019 as

ACIO-I/G, residing at Ramkrishnagar (old

House of Manju Bose) P.O. Laskarpur, P.S.

Sonarpur, Dist. South 24 Parganas, Pin -

700153, West Bengal.

... Applicant

- Versus -

1) Union of India, service through the
Secretary, Ministry of Home Affairs,
Government of India, Intelligence Bureau,
North Block, New Delhi - 110011.

2) Director, Intelligence Bureau, Ministry of
Home Affairs, Government of India,
North Block, New Delhi - 110011.



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3) The Assistant Director/E, Intelligence
Bureau, Ministry of Home Affairs,
Government of India, Nizam Palace, 16th
Floor, 234/4 AJC Bose Road, Kolkata -
700020.

4) The Joint Director, Subsidiary
Intelligence Bureau (SIB), Govt. of India,
9/1, Gariahat Road, Kalkota - 700019.

5) The Assistant Director, & FRRO,
Intelligence Bureau, Ministry of Home
Affairs, Government of India,
237, AJC Bose Road,
Kolkata - 700020.

... Respondents

WD

No. O.A. 350/01425/2017

Date of order: 24.10.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. J.R. Das, Counsel
 Mr. S.K. Sen, Counsel

For the Respondents : Mr. S. Paul, Counsel

O R D E R (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. J.R. Das, Ld. Counsel for the applicant and Mr. S. Paul, Ld.

Counsel appearing for the official respondents.

2. This OA has been filed by Shri Biswadev Bose challenging impugned Office Order No. 688/(Estt.)/2017 dated 14.9.2017 transferring the applicant from Kolkata to SIB Kaliachak Unit, Malda, relieve order dated 30.9.2017 and also non-consideration of his representations dated 26.9.2017 and 11.7.2017. This O.A. has been filed praying for the following reliefs:

"(i) An order directing the respondents to cancel, rescind withdraw or set aside the purported order of transfer along with office order of being relieved, being No. 688/(Estt.)/2017 dated 14.9.2017 since being issued with revenging attitude, tainted with malice and malafide in the facts and circumstances of the case.
 ii) An order directing the respondents to cancel, rescind withdraw or set aside the purported order of regretting the representation since never communicated causing gross discrimination to the applicant since issued with ulterior motive with malice and malafide.
 iii) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for concessionable justice.
 iv) Any other order or orders and further order/orders as to this Hon'ble Tribunal may seem fit and proper."

4. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant initially joined Intelligence Bureau (IB) on 2.5.1984 as ACIO-II/WT at New Delhi and thereafter he was posted at Imphal. Subsequently he was posted at Kolkata during September, 1991. He was promoted to JIO (I)/WT and thereafter again posted at Imphal during

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December, 1995 and again posted at Kolkata during February, 2001. He was appointed as ACIO/II/G as an open market candidate during 2002 and submitted technical resignation, which was duly accepted and was awarded seniority since 1984. Recently he has been transferred from Kolkata to Kaliachak Unit at Malda and accordingly relieve order dated 30.9.2017 has also been issued. He preferred representation on 19.9.2017, which are still pending consideration.

5. Mr. Das, Ld. Counsel for the applicants submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 19.9.2017 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 2 that, if any, such representation as claimed by the applicant has been preferred on 19.9.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 19.9.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, the O.A. is disposed of.

W.L.

9. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

10. Status quo as on date will be maintained till the representation is considered and disposed of and the result thereof communicated to the applicant.

11. On the other hand, Mr. Paul has brought to our notice the instructions received by the official respondents, which goes on to show that the applicant himself has furnished a departure report on transfer. Mr. Paul shall furnish the said report by serving a copy of the same on Mr. Das, Ld. Counsel for the applicant.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP

