

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.
CALCUTTA BENCH, NIZAM PALACE
KOLKATA

O.A. No. 01474 of 2017

In the Matter of :

An application under section 19 of the
Central Administrative Tribunal Act,
1985;

And

In the matter of :

Sourava Bera, wife of Jhantu Patra,
residing at Village and Post Office-
Khodambari, Police Station-
Nandigram, District- Purba Midnapur,
Pin- 721650 and working for gain and
posted at Central Hospital, Dhuliyani.
Tarapur, Post Office- Malancha,
District- Murshidabad, Pin- 742202.

..... Applicant

Versus

1. Union of India. service through
the Director General, Ministry of
Labour and Employment. Jaisalman
House Mansingh Road, New Delhi-
110011.

Wd

2. Welfare Commissioner, Labour Welfare Organisation, office at Welfare & Cess Commissioner, 5th Floor, 2nd M.S.O. Building, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata - 700 020.

3. Deputy Welfare Commissioner, Labour Welfare Organisation, office at Welfare & Cess Commissioner, 5th Floor, 2nd M.S.O. Building, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata - 700 020.

4. Administration- cum - Accounts, Labour Welfare Organisation office at Welfare & Cess Commissioner, 5th Floor, 2nd M.S.O. Building, Nizam Palace, 234/4, A.J.C. Bose Road, Kolkata - 700 020.

5. Deputy Welfare Commissioner (Central Hospital), Dhuliyon, Post Office- Malancha, District- Murshidabad, Pi- 742202.

6. Medical Officer-in-Charge,
attached to the Office of Deputy
Welfare Commissioner, (Central
Hospital), Dhuliyān, Post Office-
Malancha, District- Murshidabad, Pi-
742202.

..... Respondents

all

No. O.A. 350/01474/2017

Date of order: 05.12.2017

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

For the Applicant : Mr. N.K. Das, Counsel
Mr. M.K. Das, Counsel

For the Respondents : None

ORDER (Oral)**A.K. Pattnaik, Judicial Member:**

Heard Mr. N.K. Das leading Mr. M.K. Das, Ld. Counsel appears for the applicant.

2. This OA has been filed by Ms. Sourava Bera working for gain and posted at Central Hospital, Dhuliyan Tarapur, challenging in-action and or non-action of the respondent authorities in not issuing an order of transfer on the basis of the transfer policy as held and decided by the Department of Labour and Employment since the applicant is posted for the last 11 years in the same place. As per the applicant the Welfare Commissioner has been reluctant to pass any appropriate order of transfer. This O.A. has been filed praying for the following reliefs:

"a) An order directing the respondents, each one of them, their men, agents, staffs, subordinates and associates to forthwith pass an order for transfer of the applicant as per the transfer policy/guidelines as also the recommendations and the representations made by the applicant which are being Annexure "A-8", "A-9", "A-11" and "A-13" of this application with immediate effect.

b) Costs of and/or incidentals to this application be borne by the respondent.

c) Pass such other order or further order or orders and/or direction or further direction or direction as to this Hon'ble Tribunal deem fit and proper."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant, are that the applicant was appointed as staff nurse as per test and trial and

was posted at Static-cum-Mobile Unit, Kaliachak, District - Malda and she joined the said post on 29.4.2002. As per the recommendation of the DGLW a 3 Men Committee was formed whereby a guidelines has been prepared for transfer/posting. In the terms and conditions it has been stated that a transfer be made at least within four years from the place of posting subject to choice of opinion. By an order of the Assistant Welfare Commissioner, she was transferred to Central Hospital, Dhulian, District - Murshidabad from Kaliachak, Malda. The Medical Officer issued a release order in favour of the Chief Medical Officer, Dhulian and the applicant joined on 13.4.2006. On the basis of guideline of transfer policy and its different clauses she is entitled to transfer since she is posted at the same place for the last five years. The Assistant Welfare Commissioner by an order dated 10.12.2010 informed all the Medical Officers to take positive steps after completion of 5 years of posting having two place of choice. That from 2011 onwards the applicant preferred several representations which are still pending consideration.

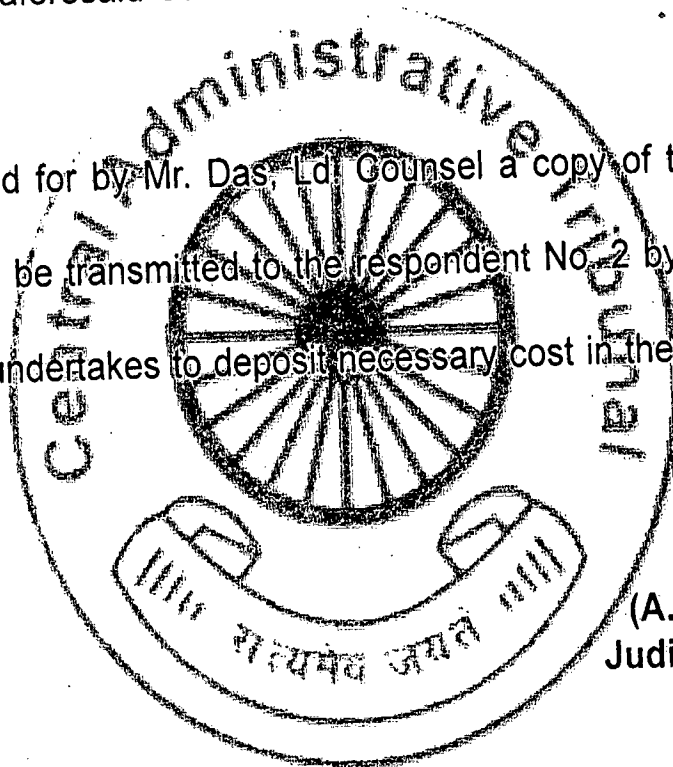
4. Mr. Das, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 10.3.2017 (Annexure "A-13" to the O.A.) forwarded vide Annexure "A-14" to the O.A. within a specific time frame.

5. Therefore, I 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 10.3.2017 (Annexure "A-13" to the O.A.) and forwarded vide Annexure "A-14" to the O.A. 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.

6. Though I have not entered into the merits of the case still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 2 within a further period of three months 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 10.3.2017 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.

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

8. 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.



(A.K. Pattnaik)
Judicial Member