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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

CALCUTTA BENCH.

O.A. No. 1532 of 2018 ;

Sukhvir Singh,  
son of Debi Prasad, residing at  
Village - Chandi Purva, Post : Amraudh,  
District - Kanpur Dehat, PIN - 209112,  
now residing at RPF Barrack, Narkeldanga,  
Sealdah, PIN - 700014, working as a  
Clerk Grade - II, posted at Office of  
the Chief Security Commissioner, Hd.  
Quarter, 14, Strand Road, Kolkata - 700001

... Applicant.

- Versus -

1. Union of India, service through  
the General Manager, Eastern Railway,  
Fairly Place, 17, Netaji Subhas Road,  
Kolkata - 700001.

2. I.G.-cum-Chief Security Commissioner,  
R.P.F., Eastern Railway, 14, Strand Road,  
Kolkata - 700001.

... Respondents.

Al

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1532/2018

Date of Order: 10.10.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. P. Majumder, Counsel

For the Respondent(s): Mr. S. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

" a) Commanding the respondents and each of them to recall, rescind, cancel and/or withdraw and/or for bear from giving any effect and/or further effect to the said purported premature order of inter-divisional transfer dated 19.09.2018 and the purported sparing order dated 19.09.2018 as contained in Annexure "A-3" and "A-4" herein.

b) Commanding the respondents and each of them to allow the applicant to continue at his present place of posting in the office of the Chief Security Commissioner, RPF, Hd. Quarter, Eastern Rly. without any interruption.

c) Commanding the respondent and each of them to transmit and certify to this Hon'ble Tribunal all the records relating to the said purported premature order of inter-divisional transfer dated 19.9.18 and the purported sparing order dated 19.9.2018 as contained in Annexure "A-3" and "A-4" respectively for being quashed and /or set aside by this Hon'ble Tribunal.

d) Pass such other or further order or orders mandate or mandates, direction of mandates as may appear to be fit and proper."

*A.K*

3. Ld. Counsel for the Respondents, at the outset, raised preliminary objection on the maintainability of this O.A. by stating that this O.A. is liable to be dismissed at the threshold under Section 20 of the AT Act as the applicant has approached this Tribunal without availing departmental remedies.

4. With the aid and assistance of Ld. Counsel for the applicant, I perused the record and found that the applicant has not preferred any representation ventilating his grievance before approaching this Tribunal. Therefore, I am at one with the Ld. Counsel for the Respondents. However, on a sincere prayer of Ld. Counsel for the applicant, without entering into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation/grievance petition before Respondent No.2 (I.G.-cum-Chief Security Commissioner, R.P.F.) within a period of one week from the date of receipt of copy of this order and, if any such representation is preferred by the applicant, then Respondent No. 2 is directed to consider the same as per extant rules and regulations in force and pass a reasoned and speaking order within a period of four weeks from the date of receipt of the representation/grievance petition. Although, I have not entered into the merit of the matter and all the points raised in the representation will be open for Respondent No.2 to consider, still then I hope and trust that till the representation is considered and result communicated to the applicant, no coercive action will be initiated against the applicant. I also make it clear that while considering the representation/grievance petition, the Respondent No.2 may allow the applicant to get a personal hearing subject to his satisfaction.

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

*W.A.C*

6. Copy of this order be handed over to the Ld. Counsel for the parties. Applicant is granted liberty to annex copy of this order along with his representation to be preferred.

(A.K.Patnaik)  
Member(J)

RK/PS

