

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH.

DETAILS OF THE APPLICATION:

OA/350/1564/2018

PARTICULARS OF THE APPLICANT:

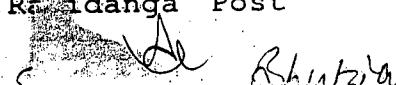
Cheden Bhutia, Wife of Angom Ingo Singh, aged about 48 years, residing at Angom Villa, Ravindra Sarani, Post Office- Kadamtala, Police Station-Matigarah, District-Darjeeling, PIN Code-734010.

... Applicant.

-V E R S U S -

PARTICULARS OF THE RESPONDENTS:

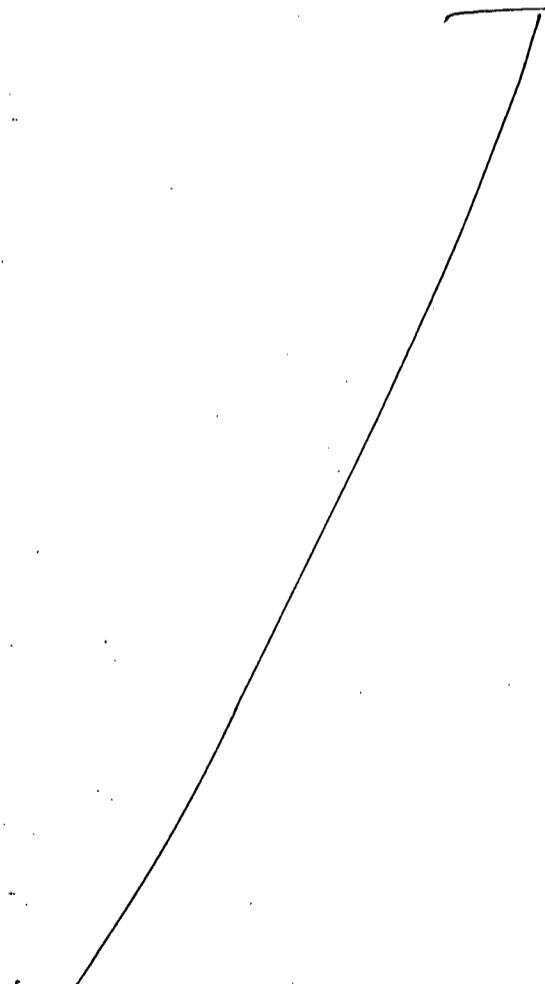
- 1) Union of India, Service through its Secretary, Ministry of Home Affairs, New Delhi-110001.
- 2) The Director General, Sashastra Seema Bal, East Block-V, R.K Puram, New Delhi-110066.
- 3) The Joint Deputy Director (PERS. III), Sashastra Seema Bal, Office of the Director General, Sashastra Seema Bal, East Block-V, R.K Puram, New Delhi-110066.
- 4) The Inspector General, Sashastra Seema Bal, Siliguri Frontier Headquarter, P.O- Ranidanga, District Darjeeling, Pin Code 734101.
- 5) The Staff Officer (Admn.), Sashastra Seema Bal, Office of the Inspector General, Sashastra Seema Bal, Siliguri Frontier Headquarter, P.O- Ranidanga, District Darjeeling, Pin Code 734101.
- 6) The Deputy Inspector General, Sector Head Quarter, Sashastra Seema Bal, Ranidanga Post

 Cheden Bhutia

Office Sushruta Nagar, District Darjeeling,
West Bengal, Pin - 734012.

7) The Area Organizer, Sashstra Seema Bal,
Darjeeling, Post Office. Ranidanga, District.
Darjeeling, Pin Code 734012.

... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1564/2018

Date of Order: 11.10.2018

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

For the Applicant(s): Mr. A. Chakraborty, Counsel

Ms. P. Mondal, Counsel

For the Respondent(s): Mr. B. P Manna, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. Mr. B.P.Manna, Ld. Counsel, who usually appears for the Union of India, is present and on my request, Ld. Counsel for the applicant has served copy of the O.A. on him. Heard Mr. Manna in extenso.

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

“a) Impugned office order being No. 24/SSB/Pers.III/2018(1)/Pt.9553 dated 19.09.2018 issued by the respondent No. 3 is bad in law and therefore the same may be quashed.

b) an order do issue directing the respondents to allow her to discharge her duties in her present place of posting under respondent No. 7 or at Sector Head Quarter at Jalpaiguri as has been approved by respondent No. 3 vide office order dated 06.09.2018 or at such place of posting of her choice as had been submitted pursuant to the office Order dated 2008.2018 of the respondents.”

4. The applicant joined the office of the respondents and presently serving as Sr. Field Assistant (Medic) in the Shasatra Seema Bal. Respondents issued one Memo No. 11/SSB/Pers.III/2014(7)/1875-92 dated 9th March, 2018 by which the applicant was sought to be transferred from Area Office Darjeeling to Area Office

(A)

C Sitamarhi at Bihar, against which she preferred representation dated 10.02.2018 stating all her predicaments and respondent has approved deferment of transfer up to 30.09.2018. Respondents issued Office Memorandum whereby direction was made for submission of three places of posting as per choice, which the applicant duly submitted. One Office Memorandum dated 06.09.2018 was issued vide which respondent has affirmed "SHQ SSB Jalpaiguri" as her place of posting. An Office Memorandum dated 19.09.2018 directing to the effect that the claim of the applicant for change of place of posting cannot be acceded to. The applicant submits that since in terms of the Office Memorandum dated 02.08.2018, the applicant submitted three place of posting of her choice and "SHQ SSB Jalpaiguri" being one of the choice, had already been affirmed by the respondent No. 3 as her new place of posting vide Office Memorandum dated 06.09.2018, the respondent authorities cannot be permitted to take a different stand by passing an order rejecting her claim.

5. After hearing in extenso, Ld. Counsel for the applicant, prays that liberty may be granted to the applicant to bring the aforesaid illegality committed by the Joint Deputy Director (Respondent No.3) before the Director General (Respondent No.2) through a comprehensive representation within a period of one week. He prayed that specific time frame may be fixed by directing the Respondent No.2 to consider the representation. I do not think that it will be prejudicial to either of the sides, if the O.A. is disposed of with such a direction.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make comprehensive representation, enclosing all the required documents, before the Respondent No.2 within a period of one week from the date of receipt of this order and if any such representation is preferred then the said Respondent No. 2 is



12/11/2018

directed to consider the same keeping in mind the earlier recommendation/orders and give necessary instruction to Respondent No.3. I also make it clear that till the said representation to be preferred by the applicant before Respondent No.2 is considered and disposed of and result communicated to the applicant, status quo as on date so far as continuance of the applicant is concerned will be maintained and no further coercive action will be taken against the applicant for a further period of one week from the date of communication of the decision to the applicant.

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

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 2 and 3, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to Ld. Counsel for both the parties. Applicant is granted liberty to annex a copy of this order along with his representation to be preferred within one week before Respondent No. 2.

(A.K.Patnaik)
Member(J)

RK/PS