

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
(VACATION BENCH)



No.O.A.350/01604/2016

Date of order : 24.10.2016

Present : Hon'ble Ms. Jaya Das Gupta, Administrative Member

PRALAY SARKAR

VS.

UNION OF INDIA & OTHERS

For the applicant : Mr. S. Pal, counsel  
Mr. S. Roy, counsel

For the respondents : Mr. B.B. Chatterjee, counsel

ORDER

Heard Id. Counsel for the parties.

2. The applicant, Sri Pralay Sarkar has approached this Tribunal under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "a) To direct the respondents to cancel, suspend, revalue and/or withdraw the order of transfer dated 29.09.2016/03.10.2016 issued by the respondent no.5 forthwith;
- b) to direct the respondents to cancel, suspend, revalue and/or withdraw any order of release, if issued;
- c) to direct the respondent authorities to allow your petitioner to join his Kolkata Office till disposal of the instant Application;
- d) to direct the respondents to produce the entire records of the case before this Learned Tribunal for adjudication of the points at the time of hearing;
- d) and pass such further order/orders and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper;
- e) to direct the respondent authorities to continue in his existing post of ADE which is available in the office of the ADGE(E/Z), Kolkata."

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3. It is his contention that despite stipulations at para 21 of the transfer policy of Government of India, Ministry of Information and Broadcasting circulated on 14.07.1981 the applicant has been transferred at the fag end of his career. The relevant portion of the transfer policy dated 14.07.1981 is extracted below for ready reference:-\n

"(xxi) Members of staff who are within three years of reaching the age of superannuation, will, if posted at their home town, not be shifted therefrom, if it becomes necessary to post them elsewhere, offers will be made to shift them to or near their home towns to the extent possible."

4. Ld. Counsel for the applicant submits that the applicant has been transferred vide order dated 03.10.2016 from Eastern Zone, Kolkata to All India Radio, Daltongunj and he has made a representation against his transfer order dated 05.10.2016 which allegedly has still not been considered by the respondent authorities. He further submits that the applicant is on leave from 07.10.2016 to 31.10.2016.

5. Hence, this O.A. is disposed of with a direction that the respondent authorities will consider the representation of the applicant as per the transfer guidelines and other prevailing rules in this regard, after giving a personal hearing to the applicant, definitely within 31.10.2016 and intimate the decision to the applicant on the same date.

6. There shall be no order as to cost.

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( J. Das Gupta)  
Administrative Member

s.b