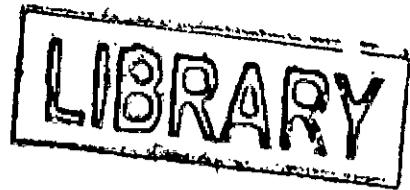


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/00189/2017

Date of order : 21.3.2017



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

Shri Sourav Banerjee,
Son of Shri Swapan Kumar Banerjee,
Aged about 36 years,
A permanent resident of Village- Apurbanagar,
P.O.- Singur, District- Hoogly,
West Bengal, working for gain as
Skilled Workman under the General Manager,
Ordnance Factory, Chanda, Chandrapur,
Maharashtra- 442501.

.....Applicant.

-V E R S U S -

1. The Union of India service through the
Secretary, Ministry of Defence,
Department of Defence Production,
Having its office at South Block,
New Delhi- 110011.
2. Ordnance Factory Board service through
the DGOF & Chairman,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Kolkata -700001.
3. The General Manager,
Gun & Shell Factory,
Cossipore, Kolkata- 700 002.
4. The General Manager,
Ordnance Factory,
Chandrapur,
Maharashtra- 442501.
5. The Jt. General Manager,
Gun & Shell Factory, Cossipore,
Kolkata- 700 002.

.....Respondents.

For the Applicant : Mr. D.K. Mukhopadhyay, Counsel

For the Respondents : Mr. P. Mukherjee, Counsel

Nde

O R D E R (Oral)

Heard Mr. D.K. Mukhopadhyay, Ld. Counsel for the applicant and Mr. P. Mukherjee, Ld. Counsel for the respondents.

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging the order No. 2009/O.A.-739/SB/DS/15 dated 14.8.2015 issued by the Jt. General Manager for Sr. General Manager, Gun & Shell Factory, Cossipore refusing to extend similar benefit as given by this Hon'ble Tribunal to a similarly circumstanced person and to transfer the applicant from OF Chanda to GSF Cossipore and also inaction on the part of the respondents for not transferring the applicant from OF Chanda to GSF Cossipore even through the applicant had submitted the request with cogent grounds to the respondents with the following reliefs:-

- "a. An order/direction may be issued to cancel, withdraw and/or rescind the impugned order No. 2009/OA-739/SB/Ds/15 dated 14.08.2015 and as contained at Annexure – A/8.
- (b) An order/direction may be issued to respondents to forthwith pass necessary order to transfer the applicant from O.F. Chanda to Gun & Shell Factory, Cossipore, in the existing grade and in public interest.
- (c) To pass an order directing the respondents to produce all the relevant records pertaining to the case before the Hon'ble Tribunal for proper adjudication of the matter.
- (d) Costs pertaining to this application.
- (e) And to pass such further or other order or orders as this Hon'ble Tribunal deems fit and proper."

3. The facts in a nut shell are that the applicant was trained at Gun & Shell Factory (GSF), Cossipore as a Trade Apprentice during the period from 02.05.1997 to 29.04.2000. He passed the All India Trade Test conducted by National Council for Vocational Training in November, 2000. While the applicant was awaiting absorption/recruitment in the Factory, he was called for interview/Trade Test on 08.03.2010 for appointment to Semi-skilled post at GSF, Cossipore. On the said date i.e. 08.03.2010, the applicant presented himself for the Interview/Trade Test, but to his surprise

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the board refused to take his interview on the plea that the respondent had information that the applicant had been selected for appointment to Semi-skilled post at Ordnance Factory, Chanad, Chandrapur, Maharashtra. After persistent request when the authorities did not pay heed to his request, he submitted a written application. Thereafter, the applicant received an offer from O.F. Chanda, and joined the Factory in a semi-skilled post. The applicant submitted a representation dated 01.08.2014, requesting to treat him as a similarly situated one namely Shri Banti Banik and to transfer him from O.F. Chanda to GSF, Cossipore, in the existing grade. When no response was received, the applicant file an O.A. No. 739 of 2015 before this Tribunal, which was disposed of by order dated 22.06.2015, directing the respondents to give a reasoned reply to the applicant. As per the direction, the respondents issued the impugned order dated 14.08.2015, denying to treat his case similar to that of one Shri Banti Banik. However, it was directed that if the applicant desire for transfer, then he should submit an application which would be considered by the concerned authority on merit. Accordingly, the applicant submitted a representation dated 09.09.2015 seeking his transfer from O.F. Chanda to GSF Cossipore, in the existing grade. Not receiving any response from the respondents, the applicant submitted another exhaustive representation with reference to the earlier one. But no reply has yet been received by the applicant.

4. Mr. D.K. Mukhopadhyay, Ld. Counsel 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. respondents No. 2, 3 & 4 to dispose of the representation dated 15.2.2016 within a specified time frame.

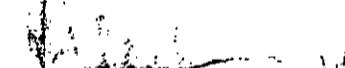
5. Therefore, without waiting for the reply I think it appropriate to

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dispose of this O.A. by directing the respondent No. 2, 3 & 4 that if any such representation has been preferred on 15.2.2016 and is still pending consideration then the same may be considered and disposed of within a period of two months under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

6. A copy of this order along with paper book be transmitted to the respondents No. 2, 3 & 4 by speed post for which Mr. D.K. Mukhopadhyay undertakes to deposit necessary cost by Friday.

8. With the aforesaid observation and direction, the O.A. is disposed of. No costs.


(A.K. Patnaik)
Judicial Member

SP