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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

Original Application No. 0301 of 2017

In the matter of:

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

And

In the matter of:

Sri Premanjan Paul Choudhury, son of
late Karunamay Paul Choudhury,
presently posted at PCOA (Fys)
Kolkata, 10A, S. K. Bose Road, Kolkata-
700001, and permanently residing at
Moare Exotica 46, Chanditola Lane,
Flat No.3D, Block-II, Tollygunj-
700040.

... Applicant

Versus

1. The Union of India, service
through the Secretary, Government of
India, Ministry of Defence, South
Block, New Delhi-110001.

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2. The Controller General of Defence

Accounts, Ulan Batar, Palam, Delhi

Cantonment, New Delhi-110010.

3. Principal Controller of Accounts

(FYS), 10A, S.K. Bose Road, Kolkata-

700001.

... Respondents

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

Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

For the applicant : Mr. M. Roy, counsel
Mr. D. Saha, counsel

For the respondents : None

ORDER (ORAL)

Mr. A.K. Patnaik, J.M.

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs:-

"i) Directing/commanding the respondent no.3 to immediately forward the representation dated 28th November, 2016 to the office of the Respondent no.2, Head Quarters, by setting aside the letter dated 31st January, 2017;

ii) Directing / commanding the respondent no.2 to consider the said application dated 8th November, 2016 (which was latter resubmitted on 28th November, 2016 as per the advise and/or instructions of the Respondent no.3) filed by the applicant, seeking for transfer to any office nearer to the residence of your applicant, upon taking into consideration the present mental condition of your applicant's wife and other such allied factors.

iii) To grant any other relief to which the applicant is entitled to."

2. Heard Ms. M. Roy along with Mr. D. Saha, Id. Counsel for the applicant.

None appears for the respondents.

3. Brief facts of the case as stated by Ms. M. Roy, Id. counsel for the applicant is that the applicant is now working as Account's Officer in the Office of the Principal Controller of Accounts (FYS), Kolkata; he joined the said post on 03.08.2015. Ms. Roy has submitted that after the death of the applicant's

(Signature)

mother in law in the month of October, 2015 his wife's mental condition became deteriorated and since then she has been suffering from severe depression and psychosis. Ms. Roy further submitted that the condition of the applicant's wife has become vulnerable and her mental condition becomes more serious after sunset(which is common for such mental patients), therefore, the applicant is required to take care of his wife under such circumstances. As such, the applicant has sought for his transfer to any office located nearer to his residence by filing repeated representations to the authorities but his prayer has not been considered till date. Ms. Roy has drawn out attention to the representation of the applicant dated 08.11.2016 addressed to the Respondent No.2 i.e. the Controller General of Defence Accounts Ulan Batar, Palam, Delhi Cantonment, New Delhi(Annexure A/9 to the O.A.) and submitted that the applicant would be satisfied if a direction is given to the Respondent No.2 to consider and dispose of the representation of the applicant dated 08.11.2016(Annexure A/9) as per the rules and regulations governing the field within a specific time frame.

4. Considering the facts and circumstances of the case, we think it would not be prejudicial to either of the sides if such direction is given to the Respondent authorities. Accordingly without waiting for reply we direct the Respondent No2 i.e. the Controller General of Defence Accounts Ulan Batar, Palam, Delhi Cantonment, New Delhi to consider and dispose of the representation of the applicant dated 08.11.201(Annexure A/9 to the O.A.) as per rules and regulations in force within a period of 4 weeks from the date of receipt of a copy of this order, if such representation is still pending consideration and communicate the decision to the applicant forthwith. If after such consideration the applicant's grievance is found to be genuine, then expeditious steps may be taken by the respondents for



transfer of the applicant to the place nearer to his residence as he opted for within a period of six weeks from the date of taking decision in the matter.

5. It is made clear that we have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

6. A copy of this order along with the paper book may be transmitted to the Respondent No.2 for which Id. counsel for the applicant shall deposit the cost within one week.

7. With the above observations the O.A. is disposed of. No order as to cost.

(Dr. N. Chatterjee)
Administrative Member

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(A.K. Patnaik)
Judicial Member