

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO. 339 OF 2017;

Bipul Kumar Biswas, *aged about 47 years*

son of Late Dhananjay Biswas,
working as Senior Section Officer (Accounts) S.R.C.
residing at 159A, Manickpur,

Manasbhum, Post Office-Italgacha,

Police Station-Dumdum, Kolkata-

700079.

.....APPLICANT

-VERSUS-

1. Union of India, service through
the General Manager, South Eastern
Railway, Garden Reach, Kolkata,
Pin-700043.

2. Financial Advisor & Chief
Accounts Officer, (Principal), South
Eastern Railway, Garden Reach,
Kolkata, Pin-700043.

3. Deputy Chief Accounts Officer,
(General), South Eastern Railway,
Garden Reach, Kolkata, Pin-700043.

4. Senior Divisional Finance
Manager, South Eastern railway,
Kharagpur, West Midnapore, Pin- 721301

5. Samar Karmakar, Senior Section
Officer, at present posted at South
Eastern Railway, Garden Reach,
Kolkata-700043.

6. A.K. Sardar, Senior Section
Officer, at present posted at South
Eastern Railway, Garden Reach,
Kolkata-700043.

....RESPONDENTS.

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No. O.A. 350/00339/2017

Date of order: 22.9.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. P. Majumder, Counsel

For the Respondents : Mr. C.S. Bag, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. P. Majumder, Ld. Counsel for the applicant and Mr. C.S. Bag, Ld. Counsel appearing for the official respondents.

2. This OA has been filed by Mr. Bipul Kumar Biswas challenging impugned Office Order of transfer bearing No. II/2016/71 dated 5th October, 2016 issued by the Office of the Financial Advisor & Chief Accounts Officer (Principal), South Eastern Railway, Garden Reach and non-consideration of the representation for own request transfer and posting at Garden Reach on the ground of medical treatment of his son. This O.A. has been filed praying for the following reliefs:

"a) Commanding the respondents and each of them to revoke, cancel, withdraw and/or to forebear from giving any effect and/or further effect to the said purported order of transfer dated 5th December, 2016 as contained in Annexures A-7 herein.

b) Commanding the respondents and each of them to consider the representations of your applicant dated 17th October, 2016 and 6th December, 2016 as contained in Annexure A-8 herein and to consider the transfer and posting of your petitioner to Garden Reach as expeditiously as possible.

c) Commanding the respondents and each of them to certify and transmit to this Hon'ble Tribunal the records relating to the issuance of the purported order of transfer dated 5th October, 2016 as contained in Annexures A-7 herein 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 or mandates as may appear to be fit and proper."

3. The facts in a nut shell as per Mr. Majumder, Ld. Counsel for the



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applicant are that the applicant has been denied own request transfer and post at Garden Reach despite the fact that the person who have been granted such benefit of transfer was at the bottom of the priority list. He preferred a representation on 6.12.2016, which is still pending consideration.

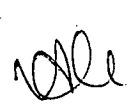
4. Mr. Majumder, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 1 to dispose of the representation dated 6.12.2016 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No. 1 that, if any, such representation as claimed by the applicant has been preferred on 6.12.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 6.12.2016 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

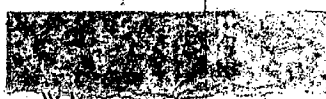
8. As prayed for by Mr. Majumdar, Ld. Counsel a copy of this order



along with paper book be transmitted to the respondent No. 1 by speed post for which Mr. Majumder undertakes to deposit necessary cost in the Registry by the next week.

9. Status quo as on date so far as the applicant's continuance in his present place of posting will be maintained till the representation is considered and disposed of and the result thereof communicated to the applicant.

(Dr. Nandita Chatterjee)
Administrative Member


(A.K. Pattnaik)
Judicial Member

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