



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/343/2018

Date of Order: 02.07.2018.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Ajay Kumar Rai, son of Dharam Raj Rai, aged about 39 years, working as AAO, in the office of DCFA (FYs), Accounts Office, EFA, Avadi, Chennai currently residing at Anna Road, Gandhi Nagar, Avadi, Chennai - 54

--Applicant

-versus-

1. Union of India, through the Secretary, Ministry of Defence, Samsad Marg, New Delhi - 110001.
2. The Controller General of Defence accounts, Ullan Batar Road, Palam Delhi Cantonment - 110010.
3. The Principal Controller of Accounts (FYS), Ministry of Defence, Store Section, 10-A, Shaheed Khudiram Bose Road, Kolkata - 700001.
4. Sr. Accounts Officer (FYS), Office of the Principal Controller of Accounts (FYS), Store Section, 10A, S.K Bose Road, Kolkata - 700001.
5. Sr. Accounts Officer (FYS), Office of Controller of Finance and Accounts (FYS), Accounts Office, Heavy Vehicle Factory, Avadi, Pin Code - 600054.

---Respondents

For The Applicant(s): Mr. A. Sengupta, Counsel
Mr. S. Dutta, Counsel
Ms. T. Das, Counsel

For The Respondent(s): None

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

The applicant in this O.A has assailed a speaking order, dated 09.08.2017, issued from the office of Principal Controller of Accounts (FYS), Ministry of Defence and has sought for stay of the impugned order.

2. The impugned speaking order indicates that it is issued pursuant to the directions of this Tribunal in O.A 1485/2016 that was preferred on the ground that a transfer order dated 12.09.2016 was issued to him, transferring him

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from Kolkata to Heavy Vehicle factory at Avadi, and on 02.09.2016, he was served with an office order conveying him a warning in regard to complaint under Sexual Harassment of woman official. The applicant has submitted that the impugned order, dated 12.09.2016, releasing him from Kolkata is not tenable in the eyes of law, since it is not in administrative exigencies but is a punitive one issued on the basis of false and concocted allegations of sexual harassment and therefore it should be set aside. The impugned order indicates that a Committee was set up for Prevention of Sexual Harassment of Working Woman at the workplace which having found the official guilty of the offence recommended his transfer as he violated Rule 3 (C) of CCS (Conduct) Rule, 1964 and the warning issued to him is a warning that does not constitute any formal penalty under Rule 11 of the CCS (CCA) Rules 1965, and therefore, his request for cancellation of the recorded warning imposed by PCA (Fys) on the basis of report of the Committee could not be acceded to and transfer to any DAD office or Varanasi or Allahabad, on compassionate ground has not been acceded to. However, the applicant has been given liberty to apply against impending Annual Volunteer List for transfer to his choice station Varanasi or Allahabad and the general conditions on transfer finalised by Respondent No. 2, i.e., CGDA Delhi Cantonment.

3. In view of such admitted position and the order passed in earlier O.A, this Tribunal finds no reason to interfere with the transfer or the speaking order.

4. Accordingly, the O.A is disposed without any further orders, in view of the fact that, the liberty to seek transfer has been already allowed to the applicant. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)