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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O A NO.351/00346/AN/2018

Date of order: 15.03.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

JOY PINTO, son of Late Joseph Pinto, aged about 54 years, residing at 24/24, Prem Nagar, Post Office – Haddo, District – South Andaman, Port Blair-744102 and working as Block Sports Officer under the Directorate of Sports and Youth Affairs, Andaman & Nicobar Administration, Netaji Subhas Stadium, Port Blair.

.....Applicant

-Versus-

1. UNION OF INDIA, service through the Secretary, Ministry of Sports and Youth Affairs, 26, Government of India, 501, 'B' Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001;

2. THE ANDAMAN AND NICOBAR ADMINISTRATION, service through the Chief Secretary, Secretariat, Port Blair-744101.

3. THE SECRETARY (Sports), Andaman and Nicobar Administration, Secretariat, Port Blair-744101.

4. THE DIRECTOR (SPORTS), Directorate of Sports and Youth Affairs, Andaman and Nicobar Administration, Secretariat, Port Blair-744101.

5. THE ASSISTANT DIRECTOR (SPORTS), Directorate of Sports and Youth Affairs, Andaman and Nicobar Administration, Secretariat, Port Blair-744101.

.....Respondents

For the applicant : Mr. P. C. Das, Counsel
: Ms. T. Maity, Counsel

For the respondents : None

ORDER

Mrs. Manjula Das, Judicial Member

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



"a) To quash and/or set aside the impugned order of transfer No.373 date 28th December,2017 issued by the Director (Sports), Directorate of Sports and Youth Affairs, Andaman & Nicobar Administration which has been issued by not superseding the office order No 263 dated 10th August,2015 being Annexure A-4 of this original application;

b) To quash and/or set aside the impugned relieve order dated 27th February,2018 Director (Sports), Directorate of Sports and Youth Affairs, Andaman & Nicobar Administration which has been issued without considering the representation dated 02.01.2018 submitted by your applicant being Annexure A-6 of this original application and without considering the kept in abeyance order no. 263 dated 10th August,2015;

c) To pass an appropriate order directing upon the respondent authority to allow the present applicant to resume duty to the post of Block Officer in the Multipurpose Hall, Wimberlygunj in respect of welfare of the son of the applicant."

2. Brief facts of the case as narrated by Id. Counsel for the applicant are that while the applicant was discharging his duty as Block Sports Officer, he was transferred vide office Order No.256 dated 5th August,2015 by the Director (Sports), Directorate of Sports and Youth Affairs, Andaman & Nicobar Administration from DEO , Wimberlygunj to Vivekananda Stadium, Diglipur.

Id. counsel for the applicant submitted that the son of the applicant is a physically challenged person and is suffering from serious mental problems coupled with depression, therefore, if the applicant is transferred to Diglipur, he will be put into a great hardship. Id. Counsel for the applicant further submitted that the applicant made representation to the Chief Secretary, Andaman & Nicobar Administration, Port Blair on 07.08.2015(Annexure A/2) for cancellation of his transfer order No.256 dated 5th August, 2015 along with copies of medical documents in respect of his son. Thereafter, the respondent authorities have issued a modified transfer order No.263 dated 10th August,2015 stating that the order of transfer of the applicant dated 5th August,2015 would be kept in abeyance till further order. It is also submitted by the Id. counsel for the



applicant that without superseding the order of kept in abeyance of transfer of the applicant dated 10.08.2015, the Director (Sports) Andaman & Nicobar Administration, Port Blair, issued another impugned order of transfer vide Office Order No.373 dated 28th December,2017 whereby the applicant was transferred from Wimberlygunj to Dighipur. According to the ld. counsel for the applicant, the impugned order No.373 dated 28th December,2017 is bad in law and not maintainable because such order of transfer has been issued without cancelling the earlier order of kept in abeyance of transfer. Ld. counsel for the applicant further submitted that the order of transfer dated 28th December,2017 is actually the repetition of the earlier order of transfer of the applicant dated 5th August,2015. It is submitted by the ld. counsel for the applicant that the son of the applicant is suffering from a disease called F25 description- Schizoaffective disorder and he is under treatment, therefore, he made a representation to the Chief Secretary, Andaman & Nicobar Administration, Port Blair on 02.01.2018(Annexure A/5) ventilating his grievances therein and prayed for cancellation of the transfer order dated 28th December,2017. It is further submitted by the Ld. Counsel for the applicant that the Assistant Director (Sports), Department of Sports and Youth Affairs, Andaman & Nicobar Administration, Port Blair has issued relieve order No. 428 dated 27.02.2018(Annexure A/6) in respect of the applicant without considering his representation dated 02.01.2018.

Finding no other alternative, the applicant has approached this Tribunal seeking the aforesaid reliefs.

3. Heard ld. counsel Mr. P. C. Das leading Ms. T. Maity, ld. counsel for the applicant. I have also perused the pleadings and materials placed before me.



4. Mr. P.C. Das, Id. counsel for the applicant submitted that the applicant would be satisfied for the present if liberty is given to him to file a comprehensive representation to the competent authority ventilating his grievances therein within 15 days and the competent respondent authority is directed to consider and dispose of the same as per rules within a specific time frame.

5. Though no notice has been issued to the respondents I find that it would not be prejudicial to either of the sides if the applicant is permitted to file a comprehensive representation ventilating his grievances within 15 days from the date of receipt of a copy of this order and the competent respondent authority is directed to consider and dispose of the same by passing a reasoned and speaking order as per rules and regulations governing the field within a period of three months from the date of receipt of the representation from the applicant.

Order accordingly. The respondent authorities are further directed not to disturb the applicant and allow him to continue in the present place of posting till disposal of his representation.

6. It is made clear that I have not gone through into the merits of the case and all the points to be raised in the representation of the applicant are kept open for consideration by the respondent authorities as per rules and regulations in force.

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

(Manjula Das)
Judicial Member

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