



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 350/369/2018

Dated : 15.03.2018

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

Shri Hari OM Kumar Bhagat,
Son of Lakshman Bhagat,
Aged about 33 years,
Working as Messenger,
Multi Tasking Staff (Ministerial)
Under Officer Commanding,
SN Detachment, C/o. Navy Office,
Near Old Court Sadar Bazar,
Barrackpore – 700 120,
Residing at 118, Baker Mahal Sadar Bazar,
Barrackpore, Pin – 700120.

..... Applicant.

Versus

1. Union of India,
Service through the Secretary,
Ministry of Defence, South Block,
New Delhi,
P.O. Nirman Bhawan,
Chanakyapuri, Rajpath Marg,
New Delhi – 110011.
2. Director General (MP & PS),
Adjutant General's Branch,
Integrated Head Quarter of
Ministry of Defence Army,
New Delhi – 110011.
3. The Flag Officer,
Commanding in Chief,
Head Quarters, Eastern Naval
Command, Naval Base,
Visakhapatnam – 530014.
4. The Officer Commanding,
SN Detachment, C/o. Navy Office,
Near Old Court Sadar Bazar,
Barrackpore – 700120.

..... Respondents.

For the applicant : Mr. B. Chatterjee , Counsel

For the respondents : None

ORDER (Oral)

Manjula Das, Judicial Member

By this O.A. the applicant has challenged his transfer order dated 21.02.2018(Annexure A/3) whereby the applicant has been transferred from 5N Det to Headquarters South Western Command (Jaipur) with immediate effect. The applicant has also challenged the order dated 6th March, 2018 (Annexure A/4) whereby the applicant was directed to report to CE Section of INS Netaji Subhas by 1500 hours on 7th March 2018 for collection of movement order and associated document.

2. I have heard ld. counsel for the applicant Mr. B. Chatterjee. None appears for the respondents. I have also perused the pleadings and materials placed before me.

3. Ld. Counsel for the applicant submitted that the applicant who is working under the respondents as Messenger (MTS) was earlier transferred from Headquarters South Western Command, Jaipur to 5N Det, Kolkata vide order dated 2nd March 2016 (Annexure A/2). Ld. Counsel for the applicant further submitted that the applicant has not completed his normal tenure at 5N Det, Kolkata as yet. However, the respondent authorities have issued a transfer order dated 21.02.2018 (Annexure A/3) by transferring the applicant from 5N Det to South Western Command, Jaipur by violating Clause 21 of the "Policy Guidelines for Transfer of Civilian Personnel" wherein it has been mentioned that the MTS are normally not to be transferred from one station to another, except under



extraordinary circumstances like adjustment of surpluses and deficiencies, exigencies of service, or as an administrative requirement Mutual transfers are to be allowed to MTS. Lt. Counsel for the applicant also submitted that in the transfer order dated 21st February, 2018 there is no whisper that his transfer order was issued on the above mentioned grounds, therefore, the transfer order dated 21st February, 2018 is bad in law and not maintainable in the eye of law.

4. Lt. Counsel for the applicant submitted that he would be satisfied for the present if liberty is given to the applicant to file a comprehensive representation to the competent respondent authority by ventilating his grievances therein and the said authority is directed to consider the same as per relevant rules and policy guidelines for transfer within a specific time limit. Lt. Counsel for the applicant has also prayed for a direction upon respondents to allow the applicant to continue at his present place of posting till disposal of the representation.

5. Though no notice has been issued to the respondent authorities, I am of the view that it will not be prejudicial to either of the parties if the prayer of the Lt. counsel for the applicant is allowed.

6. Accordingly, liberty is given to the applicant to file a comprehensive representation to the competent authority within 15 days by ventilating his grievances therein. The competent authority is directed to dispose of the representation of the applicant, if so filed within 15 days, by passing a reasoned and speaking order as per the policy guidelines on transfer of MTS and other relevant rules within a period of 3 months from the date of receipt of the representation from the applicant. The respondents are further directed to allow



the applicant to continue in his present place of posting till his representation is disposed of.

7. It is made clear that I have not gone into merits of the O.A. and all the points to be raised in the representation of the applicant are kept ^e open for consideratin of the respondent authorities as per rules and regulations governing the field.

8. The O.A. stands disposed of accordingly. No order as to cost.

(Manjula Das)
Member (J)

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