

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

LIBRARY

No. O.A. 350/00429/2018

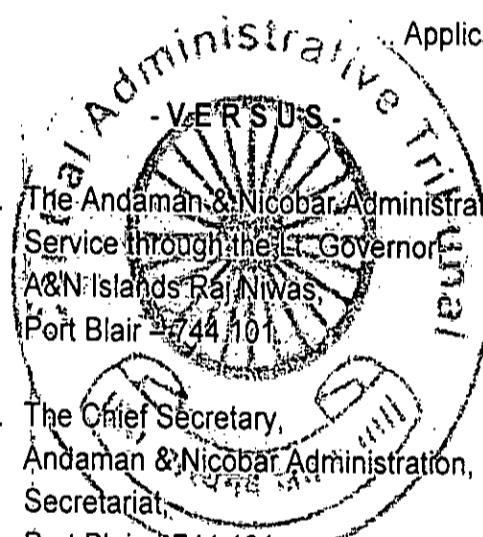
Date of order: 28.03.2018

Present :
Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. Swapna Poddar,
Wife of Dr. N.G. Poddar,
Aged about 55 years,
By occupation service as Vice Principal,
SSS Manglutan under the
Directorate of Education,
Andaman & Nicobar Administration,
Port Blair,
Residence at House No. PMB 168, Citizen Colony,
Lamba Line (Opp. Airport exit gate),
Port Blair – 744 103,
District South Andaman.

Applicant

- VERSUS -



1. The Andaman & Nicobar Administration,
Service through the Lt. Governor
A&N Islands Rai Niwas,
Port Blair – 744 101.
2. The Chief Secretary,
Andaman & Nicobar Administration,
Secretariat,
Port Blair – 744 101.
3. The Secretary (Education),
Andaman & Nicobar Administration,
Secretariat,
Port Blair – 744 101.
4. The Director of Education,
Andaman & Nicobar Administration,
Directorate of Education, VIP Road,
Port Blair – 744 103.
5. The Deputy Director of Education,
(Academic /HOO), Andaman & Nicobar
Administration, Directorate of Education,
VIP Road,
Port Blair – 744 103.
6. Shri Shubhankar Ghosh,
Holding the additional charge of the
Post of Director of Education,

[Signature]

Andaman & Nicobar Administration,
Directorate of Education,
VIP Road,
Port Blair – 744 103.

.. Respondents

For the Applicant : Mr. S. Samanta, Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

O R D E R (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. S. Samanta, Ld. Counsel for the applicant and Mr. S.K. Ghosh, Ld. Counsel for the official respondents.

2. A routine transfer order was issued vide order 13.3.2018 whereby the applicant was transferred from G.S.S.S. Manglutan to G.S.S. Mus, Car Nicobar (Zone-II).

3. The grievance of the applicant is that while the transfer order was issued, the respondent authorities did not follow their own transfer guidelines. As per the applicant, she has completed only seven months at the present place of posting i.e. Manglutan and thus the transfer order is bad in law.

4. The applicant seeks stay of order No. 770 dated 27.3.2018, which is a clarificatory issued by the Director (Education) whereby the applicant is deemed to be released from a retrospective date i.e. on 14.3.2018. It is crystal clear that the respondent authorities have transferred the applicant without following the standard stipulated period for joining the transferred post.

5. However, as the applicant has already made a representation before the authorities for consideration of her case and for cancellation of the transfer order which is pending consideration before the authorities, we deem it fit and proper to direct the department to take a decision on the representation.

6. Accordingly, we direct the respondent authorities, more particularly, the respondent No. 2 (Chief Secretary) to consider the case of the applicant by keeping in mind the transfer guidelines within a period of two months from the date of receipt of the order. Whatever decision, arrived at by the authorities, shall be reasoned and speaking and shall be communicated to the applicant forthwith.

7. *fr*
Further ordered 7 days stay after taking a decision by the authorities be maintained so that if any grievance is left, the applicant shall approach before the authorities for redressal of her grievance.

8. With the above observation and direction, the O.A. stands disposed of.



(Nandita Chatterjee)
Administrative Member



(Manjula Das)
Judicial Member

SP

