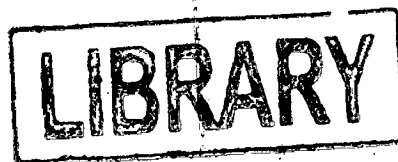


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00497/2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

NARAYAN DAS

VS

UNION OF INDIA & ORS.

For the applicant : In person

For the respondents : Ms.P.Goswami, counsel

Order on : 1.8.16

O R D E R

Ms.Bidisha Banerjee, J.M.

The parties were heard and materials on records were perused.

2. The applicant in this OA has sought for the following reliefs :

- i) The petitioner prays the Hon'ble Tribunal that the transfer order may judiciously and graciously be held illegal and quashed, and also the FAX message taken as weapon be rubbed to set an example in the worthiness of rule of law to protect the applicant from such vulnerability of defamation;
- ii) That the applicant further prays that he has been a victim of dirty office policies and as a result of such policies, he is encountering with an illegal transfer caused by the personal interest of some officials of the organisation. Those conspirators may be found out and brought to book with exemplary punishment.
- iii) The applicant prays that his total absence (Leave taken) due to forcible transfer and intentional regrettal of his prayer for cancellation of the order by the respondents before joining and his absence to meet the exigencies of his family members after joining at RFI to till date be treated as duty as a consequential relief to the illegal transfer order.
- iv) The Government accommodation under occupation of the applicant be allowed at normal licence fees than the damage rates as prescribed by the respondents and be regularised on his transfer.

3. The facts in brief were noted as follows :

The applicant had preferred OA 540/14 assailing a transfer order which was disposed of with the following directions :

"It is the grievance made by the applicant that he be posted at Badmal in terms of the circular letter of placement in more or less same area or close area where his spouse is working. Earlier the representation was rejected but subsequently another representation has been filed on 8.1.14. The respondents are directed to dispose of that representation in

accordance with law within six weeks from the date of communication of the order and reasoned decision be communicated. It is made clear that we have not gone into the merits of the case and all points are kept open for taking a decision by the respondent authorities.

The application stands disposed of. No order as to costs."

3. As a speaking order was issued pursuant to the direction, the Contempt Proceedings initiated vide PC 208/14, were dropped on 3.2.15 with liberty to challenge the speaking order in a freshly instituted OA, yet the speaking order has not been challenged in this OA. Nevertheless, the applicant has brought out certain allegations against the respondent authorities in regard to his transfer and vociferously submitted that the transfer order dated 24.11.11 was bad due to the following reasons :

- (i) The mid-session transfer resulted in bad impact of student of Class IX & X of the school from where he was transferred.
- (ii) He was transferred overnight and representation against the same was rejected after four months thereby wasting his precious time.
- (iii) The rejection by the respondents was to accommodate the candidates of their choice.
- (iv) The transfer order resulted in educational impediments for the school, the exigencies of the applicant at OFBL was undermined and an illegal order was given prime importance.
- (v) It was issued without taking notice of DOPT OM dated 30.9.09.
- (vi) The cancellation of the representation stating no vacancy at OFBL was not proper.
- (vii) It was issued with malice, etc.

5. In as much as, while dropping the contempt proceedings the applicant was given liberty to assail the speaking order issued in terms of the order passed in OA 450/14 and whereas by way of this instant OA the applicant has sought to assail the original transfer order that was already challenged in the said OA 450/14 but on some additional grounds, the OA is clearly not maintainable in law being barred by principles of res judicata.

6. Accordingly this OA is disposed of with liberty to the applicant to assail the speaking order to seek quashing thereof if so advised and in accordance with law. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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