



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A/351/498/2018

Date of order: 12.04.2018.

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

Smt. Manimala Halder, wife of Dr. R.K Halder, aged about 56 years, residing at Link Road, Quarter No. Type - V/9, Port Blair - 744101 and presently working to post of Vice-Principal, Government Senior Secondary School, Shoalbay under the Director of Education, Andaman & Nicobar Administration, Port Blair.

---Applicant

-Versus-

1. Union of India service through the Secretary, Government of India, Ministry of Human Resource Development, Shastri Bhawan, New Delhi - 110001.
2. The Lieutenant Governor, Andaman & Nicobar Islands, Raj Niwas, Port Blair - 744101.
3. The Chief Secretary, Andaman & Nicobar Administration, Secretariat Complex, Port Blair - 744101.
4. The Principal Secretary (Education), Secretariat, Andaman & Nicobar Administration, Port Blair - 744101.
5. The Director (Education), Secretariat, Andaman & Nicobar Administration, Port Blair - 744101.

---Respondents

For the applicant(s) : Mr. P.C Das, Counsel
: Ms. T. Maity, Counsel
For the respondent(s) : None

O R D E R (ORAL)

Per: Dr. Nandita Chatterjee, Member (A)

Heard ld. counsel for the applicant Mr. P.C Das, who submits that the instant application has been filed seeking the following relief:

" (a) To quash and/or set aside the impugned transfer order being No. 576 dated 13th March, 2018 issued by the Andaman & Nicobar Administration

in respect of the applicant whose name appeared at Serial No. 4 by not considering her posting at Port Blair by transferring her from Senior Secondary School, Shoalbay-12, Zone - V to Senior Secondary School, Gandhi Nagar, Zone - I by not considering her transfer either at Port Blair or Rangat being Annexure A-5 of this original application.

(b) To pass an appropriate order directing upon the respondent authority to modify the impugned transfer order being No. 576 dated 13th March, 2018 issued by the Andaman & Nicobar Administration in respect of the applicant whose name appeared at Serial No. 41 that in respect of transferring her from Senior Secondary School, Shoalbay-12, Zone - V to Senior Secondary School, Gandhi Nagar, Zone - I, the applicant may be transferred in any school as Vice-Principal either at Port Blair or Rangat.

(c) To pass an appropriate order directing the respondent authority that in terms of the transfer policy notified vide gazette notification dated 11th July, 2014 under Column - (xii) since your applicant has already crossed the age of 55 years, now at present she is 56 years old, she may be considered for her desired place of posting either at Port Blair or Rangat.

(d) To pass an appropriate order directing the respondent authority to carry out the mandatory office memo dated 30th September, 2009 issued Department of Personnel & Training by posting your applicant with her husband at the same station i.e. at Port Blair because both of them are central government employees under the same Administration being Annexure A-1 of this original application;

(e) Costs;

(f) Any other relief or reliefs as your Lordships may deem fit and proper. "

2. Ld. counsel for the applicant further submits that a representation dated 14.03.2018, preferred against the transfer order dated 13.03.2018 (Annexure A-5 & A-6 respectively), is pending for consideration of the Respondents. Ld. counsel for the applicant highlights that such transfer order is violative of the policy notification of the respondents dated 11th July, 2014 (Annexure A-2 to the O.A).

3. Accordingly, without entering into the merits of the case, we hereby direct Respondent No. 5, who is the Director of Education, Andaman and Nicobar Administration, that, upon receipt of such representation dated 14.03.2018, the said Respondent shall pass a reasoned and speaking order within eight weeks of the date of receipt of a copy of this order. While disposing of the representation, the applicant may be given an opportunity of being heard

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and reference is to be made to the policy guidelines of the respondent authorities dated 11th July, 2014, particularly, para (xii) thereof, (Annexure A-2 to the O.A) as well as the O.M of DOPT dated 30th September 2009 (Annexure A-1 to the O.A). The applicant may be allowed to remain in her present place of posting until her representation is decided upon and so communicated.

4. With this, the application is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Manjula Das)
Member (J)

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