

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/500/2018

Date of order : 13.4.2018

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

TAPAS SIL

S/o Late Motilal
Working as Stores Officer,
Stores & Procurement Division,
Geological Survey of India,
Eastern Region, Salt Lake City,
Kolkata - 700091,
Under Additional Director General,
Head of Department, Eastern Region
R/o BE Block,
East Baghajatin,
Kolkata - 700086.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Mines,
Geological Survey of India,
New Delhi - 110001.
2. The Director General,
Geological Survey of India,
Central Head Quarters,
27 J.L.Nehru Road,
Kolkata - 700016.
3. The Dy. Director General (HRD)
Geological Survey of India,
27 J.L.Nehru Road,
Kolkata - 700016.
4. The Additional Director General,
Head of Department,
Eastern Region,
Geological Survey of India,
DK-6, Sector-II,
Karunamoyee,
Salt Lake City,
Kolkata - 700091.

...RESPONDENTS.

For the applicant : Mr. N. Roy, counsel

For the respondents: Mr. P. Pramanik, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.N.Roy, Id. Counsel appeared for the applicant and Mr.P.Pramanik, Id.

Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) to issue direction upon the respondents to consider the representation dated 16.3.2018 for transfer from Eastern Region Kolkata to Northern Region Lucknow forthwith;
- b) to issue further direction upon the respondents to quash cancel and/or set aside impugned order dated 13.3.2018 forthwith;
- c) to issue further direction upon the respondents according to transfer policy decision, the applicant prayer transfer from Eastern Region Kolkata to Northern Region Lucknow, may be stayed forthwith;
- d) any other order or further order or orders as deem fit and proper under the circumstances of the case;
- e) to produce connected departmental record at the time of hearing;

3. The brief fact of the case as narrated by the applicant in the present OA is that, the applicant joined Geological Survey of India in the year 1992 and was subsequently promoted to the post of Stores Officer. The respondent No.3, Dy. Director General (HRD) vide order dated 13.3.2018, has transferred the applicant from Eastern Region, Kolkata to Northern Region, Lucknow without following the guidelines of transfer policy. According to para 4.2 of the transfer guidelines, an officer in Group B Gazetted cadre has to be retained in same station till promotion in Group A when he/she will be transferred to another station. Thereafter the applicant made representation to the authority concerned dated 16.3.2018 where he has mentioned about his family problems and that his son is only 11 years and reading at Class V. The applicant has also stated that if the transfer order is given effect to, he will suffer irreparable loss and injury. Hence being aggrieved by the inaction of the respondent authorities the applicant has filed the present OA.

4. Heard Id. Counsels for both sides and perused the pleadings and materials placed before us.

5. Ld. Counsel for the applicant Mr.N.Roy submitted that at this stage the applicant will be satisfied if the respondent authorities are directed to consider and dispose of the representation dated 16.3.2018 filed by the applicant within a specific time frame. Mr.Roy has also drawn our attention to para 4.2 of the transfer guidelines of Geological Survey of India, dated 12.9.2017 which reads as hereunder :

"The officers in Group B (Gazetted) cadre may be posted in other Region upon promotion from feeder grade. The Administration should accord priority for proper distribution of human resource all over Regions so that officials may not be lopsided at one Region and remain in excess at other Region. Accordingly, Group B Gazetted officers may be transferred as per the provision of the above policy."

6. By accepting the prayer made by the ld. Counsel for the applicant, without going into the merit, we dispose of the present OA by directing the respondent authorities, more particularly respondent No.3 to consider and dispose of the representation dated 16.3.2018 preferred by the applicant, in the light of para 4.2 of the transfer guidelines, within a period of three months from the date of receipt of the copy of this order by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

7. With the above observation and direction the OA stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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