

LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A 350/1324/2018

Date of Order: 03.09.2018.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Shri Wilfred Richfield.

S/o Late A. Daniel, aged about 52 years, presently working as Primary School Teacher in Govt. Senior Secondary School Rabindra Bangla Vidyalaya, Port Blair, R/o Junglighat, Port Blair, South Andaman, Pin 744103.

-----Applicant

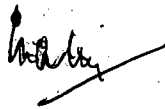
-Versus-

1. The Andaman & Nicobar Administration, service through the Lt. Governor (Administrator), Andaman & Nicobar Islands, Raj Niwas, Port Blair - 744101.
2. The Chief Secretary, Andaman & Nicobar Administration, Secretariat, Secretariat Building, Port Blair, District : South Andaman, Pin Code - 744101.
3. The Secretary (Education), Andaman & Nicobar Administration, Secretariat Building, Port Blair, District : South Andaman, Pin Code - 744101.
4. The Director (Education), Andaman & Nicobar Administration, Directorate of Education, Port Blair, District : South Andaman, Pin Code - 744101.
5. The Deputy Director Education (Personal), Andaman & Nicobar Administration, Directorate of Education, Port Blair- 744101.

-----Respondents

For The Applicant(s): Mr. R. Kumar, Counsel
Ms. I. Chakraborty, Counsel
Mr. S. S Sarkar, Counsel

For The Respondent(s): Mr. R. Halder, Counsel



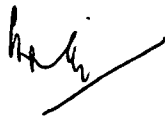
ORDER (ORAL)

Per: Dr. Nandita Chatterjee, Member (A):

Ld. counsel for the applicant and respondents are both present and heard.

2. Ld. counsel for the applicant submits that the instant original application has been filed seeking the following relief:

- a) an order be passed directing the respondent to consider the representation dated 05.04.2018 and 13.08.2018 as per the clause (vii) of the Guidelines for transfer/posting of Teaching and Non Teaching Staff of Education of A&N Administration.
- b) An order be passed quashing/setting aside the transfer order No. 883 dated 04.04.2018 and subsequent circular dated 11.08.2018 issued by the Director (Education) (Respondent No. 4) whereby; the applicant has been transferred from SSS RBV Port Blair to SS Arong, Car Nicobar (Zone -II)
- c) An order directing the respondent authorities to consider the posting of the applicant to any of the school in which area applicant's wife is now posted and/or in any of the place in Zone III.
- d) An order directing the respondent authorities to allow the applicant to work at SSS RBV Port Blair where he is presently working till the disposal of the instant O.A
- e) An order directing the respondent authorities to act in accordance with law.
- f) An order do issue commanding upon the respondent authorities to transmit all the records containing each and every documents pertaining to the above mentioned case before this



Hon'ble Tribunal so as to adjudicate and to render conscionable justice to the applicant;

g) Any further order or orders, direction or directions may be passed which may deem fit and proper by this Hon'ble Tribunal in this case in the interest of justice.

3. Ld. counsel for the applicant submits that consequent to the transfer order issued on 11.08.2018 (Annexure A-13 to the O.A), the applicant had immediately preferred a representation dated 13.08.2018 (Annexure A-14 to the O.A), in which he had referred to the violation of transfer guidelines and also prayed for posting in the same station as that of his spouse.

4. Ld. counsel for the applicant submits that as the respondents have not yet considered the representation, the respondents may be directed to dispose of the same in a specific time frame in the light of extant transfer policy and guidelines.

5. During hearing, Ld. counsel for the respondents furnished an office order dated 13.08.2018 in which the applicant stood relieved on 13.08.2018 itself the same day on which the applicant had preferred a representation.

6. We are prima facie of the view that the representation of the applicant ought to have been decided upon prior to his release. Hence, we direct the competent respondent authority to dispose of the representation of the applicant with a reasoned and speaking order, after examination of the grounds taken/ prayers made in the said representation, within a period of 4 weeks from the date of receipt of a copy of this order and the decision so arrived at shall be communicated to the applicant forthwith.

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7. While deciding on the representation, the competent respondent authority will bear in mind the applicability of the Transfer policy Notification dated 5th December, 2014, particularly, para (vii) of the same, as well as the tenure of postings specified in the said guidelines. It is further directed that till the disposal of the representation, the respondents will not take any coercive action against the applicant.
8. With this the O.A is disposed of. There will be no orders as to costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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