



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/287/2019

Date of Order: 27.02.2019

Coram: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Mr. Nekkhomang Neihsial, Administrative Member

Pradipta Kumar Kundu, Son of Late Pranab Kundu, by faith Hindu by occupation service, aged about 37 years, permanent resident of E/127, Central Govt. Quarters, Tolygunge, Graham Road, Kolkata-700040, Presently residing at Gongo Building, Sector-A, Near Helipad, Naharlagun, Arunachal Pradesh-791110.

---Applicant

Versus

1. The Union of India, service through the Secretary to the Govt. of India, Ministry of Home Affairs, Intelligence Bureau, North Block, New Delhi-110001.
2. The Director Intelligence Bureau Govt. of India, 35, Sardar Patel Marg, New Delhi, 110021.
3. The Assistant Director, Subsidiary, Intelligence Bureau, Govt. of India, Itanagar, Office at Old SSB Watts Complex, Gohpur Tinali Chimpu, Itanagar, Arunachal Pradesh, Pin-791111.
4. The Joint Deputy Director/E, Subsidiary, Intelligence Bureau, Govt. of India, Itanagar, Office at Old SSB Watts Complex, Gohpur Tinali Chimpu, Itanagar, Arunachal Pradesh, Pin-791111.

---Respondents

For the Applicant(s): Mr. A. Chakraborty, Counsel

For the Respondent(s): None

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

Heard Mr. A. Chakraborty, Id. Counsel appearing on behalf of the applicant.

2. The case of the applicant, as submitted by Ld. Counsel, is that on being transferred to BIP Bumla vide Annexure-A/2, the applicant initially made

representation, which was rejected vide memorandum dated 09.11.2018 by the Assistant Director/E. Subsequently, he made another representation on 04.12.2018 explaining his predicament with regard to his illness and also enclosed the medical reports in support of his claim. However, the same was further rejected vide Annexure-A/5 dated 11.02.2019 and as per Office Order No. 54 dated 15.02.2019 his date of relieving has been fixed on 05.03.2019/AN. Being aggrieved, the applicant has approached this Tribunal in this present O.A.

3. We have gone through the speaking order passed by the Respondents under Annexure. We find that although no reason has been assigned for rejection of his subsequent representation but further liberty was given to the applicant to make further representation before the Assistant Director, Respondent no. 3, if he is not happy with the transfer and with his posting at SIB Bumla.

4. In view of that, we deem it fit and proper to direct the applicant to make a comprehensive representation before the Respondent no. 3 within a period of one month from the date of receipt of a copy of this order by annexing the medical document to substantiate his case. On receipt of such, respondent no. 3, shall dispose of the same by a reasoned and speaking order by affording an opportunity of being heard so as to establish his case with related documents, i.e. medical prescription and medical advice to the respondent authority, within a period of 4 months from the date of receipt of such representation. ✓

5. We make it clear that till the representation is considered and disposed of, the applicant shall not be disturbed from his present place of posting at Itanagar. The interim order will also continue till the order is communicated

to the applicant and will also continue for a further period of 10 days from the receipt of such order from the respondent authorities.

6. With the above observations and directions, the O.A stands disposed of. No costs.

(Nekkhomang Neihthial)
Member (A)

(Manjula Das)
Member (J)

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