



CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/1728/2018

Sumanta Halder, S/o Tapan Kumar Halder, aged about 38 years, working as Scientist C in the Defence Research Development Organisation, at ITR Chandipur (Balasore) under the control of Director, ITR Chandipur (Balasore) at present residing at D-11, Flat 2A, Diamond Park, Joka, Kolkata - 700104.

Applicant

- Vs -

1. Union of India through Secretary,
Ministry of Defence, South Block,
New Delhi - 110001.
2. Defence Research Development Organisation,
through the Secretary,
Defence Research Development Organisation,
DRDO Bhawan, Rajaji Marg,
New Delhi - 110011.
3. The Chairman,
Defence Research Development Organisation,
DRDO Bhawan, Rajaji Marg,
New Delhi - 110011.
4. The Director of Personnel,
Defence Research Development Organisation,
Directorate of Personnel/ Pers (S-5) 207,
A Block, DRDO Bhawan,
New Delhi - 110011.
5. The General Manager,
Defence Research Development Organisation,
Integration Center, Panagarh,

P.O. Muraripur, Burdwan, Pin - 713419.

6. The Director,
Defence Research Development Organisation,
Integrated Test Range, Chandipur,
Balasore - 756025.

.. Respondents

all

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1728/2018

Date of Order: 30.01.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Sumanta Halder -vs- M/o Defence

For the Applicant(s): Mr. C. Sinha, Counsel

For the Respondent(s): Mr. A. K Chattopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. C.Sinha, Ld. Counsel for the applicant. Mr. Sinha submitted that he has already sent copy of the O.A. along with annexures, to Respondent No.3.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Chattopadhyay, Ld. Counsel, who usually appears for the Union of India, is present in the Court, on my request, Mr. Sinha has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Chattopadhyay, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) To set aside and quash impugned letter No. DIC/EST/A/SM/A0034 dated 06.03.2018 issued by the General Manager, DRDO, Integration Center, Panagarh.

b) To set aside and quash impugned Letter No. DOP/05/53126/PANA/M/02 dated 14.12.2016 issued by Director of Personnel, Defence Research Development Organisation, Directorate of Personnel/Pers(S-5)

c) To set aside and quash impugned letter No. DOP/05/53126/Pana/M/02 dated 18.09.2018 issued by Addl. Dir/Pers(DRCSIII) for Director Personnel, DRDO.

d) To set aside and quash impugned relieving/movement order No. DIC/Estt./MOVE/2018-19/110 dated 28.09.2018 issued by the General Manager, DRDO Integration Centre, Panagarh

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e) To direct the respondents to transfer your applicant back to DRDO Integration Centre, Panagarh forthwith alternatively direct the respondents to consider the case of the applicant for transfer/posting at any DRDO Unit in Kolkata.

f) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

4. Brief facts of the case as narrated by Ld. Counsel for the applicant is that the applicant was appointed on 23.05.2007 as Scientist B in the Defence Research Development Organisation (DRDO) and was transferred vide order dated 16.08.2011 to DRDO Panagarh on compassionate ground w.e.f 18.08.2011. The applicant submitted application for compassionate ground transfer to any unit of DRDO in Kolkata, Balasore, Delhi and Bangalore during the pendency of which the competent authority approved transfer of the applicant on compassionate ground to Hyderabad. Thereafter, applicant submitted a letter expressing his unwillingness to proceed to Hyderabad as the same was not requested by him. Accordingly, vide letter dated 20.02.2017, the applicant was informed that as he was posted in the nearest station near Kolkata, i.e Panagarh there is no need for any transfer. But to his utter surprise, he was transferred to ITR Balasore vide order dated 27.03.2018 without cancelling the previous order of transfer. Thereafter, a movement order dated 28.09.2018 was issued. Ld. Counsel for the applicant submitted that after joining at ITR Balasore on 01.10.2018, the applicant preferred a representation on 27.10.2018 (Annexure-A/13) before Respondent No. 3 but nothing has been communicated to him till date. He further submitted that the applicant's grievance may be redressed if Respondent No. 3 is directed to consider the representation within a specific time frame.

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 3 to consider the representation dt. 27.10.2018 (Annexure-A/13), if the same has been filed and is

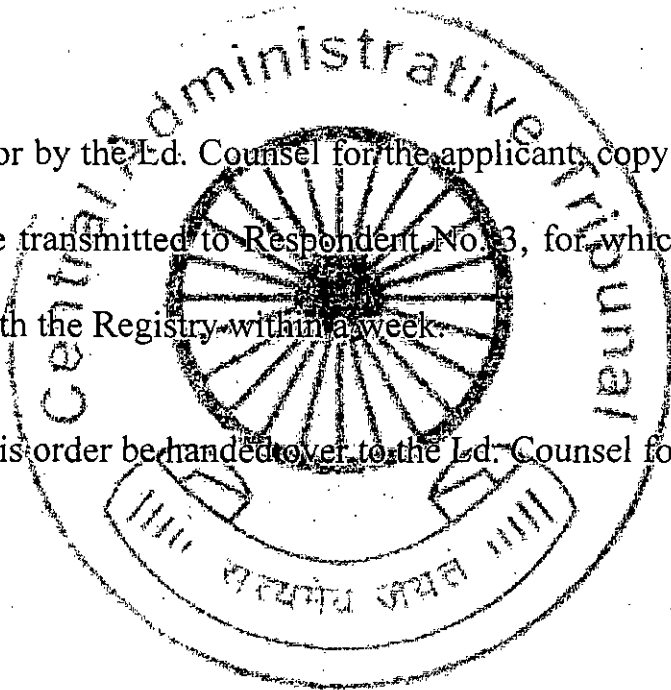
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pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of applicant is found to be genuine then necessary steps be taken within a further period of four weeks to repost him at his earlier place of posting from where he has been transferred. I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 3, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.



(A.K. Patnaik)
Member(J)