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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

**O.A. No.350/0 1688 of 2018**

**PRANATI MANDAL**, wife of Kuntal Das, aged about 44 years, working as Staff Nurse at Kaliachak Static cum Mobile Medical Unit, P.O. & District Malda, West Bengal, under Labour Welfare Organisation, Ministry of Labour Welfare and Cess, Govt. of India, residing at Flat No.A/2, Punascho Apartments, 1 No. Govt. Colony, P.O. & District Malda, Pin-732101.

**... APPLICANT**

**V E R S U S**

- 1. UNION OF INDIA** through the Secretary to the Govt. of India, Ministry of Labour & Employment, Jaisalmer House, Man Singh Road, New Delhi-110011.
- 2. THE DIRECTOR GENERAL (LABOUR WELFARE)**, Jaisalmer House, Man Singh Road, New Delhi-110011.

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3. THE WELFARE & CESS  
COMMISSIONER, Ministry of Labour &  
Employment, Labour Welfare  
Organization, 234/4, AJC Bose Road, 5<sup>th</sup>  
Floor, 2<sup>nd</sup> MSO Building, Nizam Palace,  
Kolkata-700020.

4. THE NODAL MEDICAL OFFICER,  
Static cum Mobile Unit, Kaliachak,  
Malda, Labour Welfare Organization,  
Ministry of Labour, Govt. of India, Pin-  
732201.

... RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1688/2018

Date of Order: 16.11.2018

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

PranatiMandal

-Vs-

M/O Labour

For the Applicant(s): Mr. B. Chatterjee, Counsel

For the Respondent(s): None

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for the applicant.

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

"a) An order quashing and/or setting aside the impugned Order of Transfer of the applicant dated 29<sup>th</sup> October, 2018 as well as the order dated 2<sup>nd</sup> November, 2018.  
b) An order directing the respondents to consider the case of the applicant for her retention in or around Kaliachak or as per representation dated 23.03.2017 of three choice stations.  
c) An order directing the respondents to produce/cause production of all relevant records.  
d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. Mr. B. Chatterjee, Ld. Counsel for the applicant, at the outset, submitted that the applicant is working as Staff Nurse at Static-cum-Mobile Medical Unit, Kaliachak, Malda in Labour Welfare Organization since 2006. On 02.11.2011, applicant made a representation to transfer her to New Unit at Naihati or Old Unit at Kankurgachi, Tollygunge or Barasat to the Welfare Commissioner. On 14/15<sup>th</sup> March, 2017 respondent authorities published a Memo regarding option for transfer against which on 23.03.2017 applicant preferred a representation for posting of three choice stations, namely Kankurgachi, Tollygunge and Barasat, but

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the authorities issued a Transfer Order transferring the applicant from Kaliachak, Malda to Central Hospital, Dhulian, Murshidabad and on 2<sup>nd</sup> November, 2018 applicant has been released from her present place of posting. The applicant states that her transfer is not in accordance with Govt. of India Policy as contained in DoPT OM dated 30.09.2009 as well as Departmental Guideline dated 27.03.2014.

4. On being questioned whether the applicant has brought to the notice of the authorities the relevant provision made under DoP&T O.M. as well as departmental circular and ventilated her grievance for continuing in her present place of posting because of illness of her mother-in-law as well as academic session, Mr. Chatterjee submitted that the applicant may be granted liberty to make comprehensive representation to Respondent Nos. 2 and 3 within a period of one week from the date of receipt of copy of this order.

5: Mr. Chatterjee further submitted that although the applicant has been transferred but nobody has joined in her place of posting and the post is still vacant and hence he prayed that some interim protection may be granted to the applicant so that she will be able to take care of her mother-in-law as well as academic activity of her daughter.

6. I am quite satisfied with the submission of Mr. Chatterjee and, accordingly, without going into the merit of the matter, dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation, enclosing all the required documents as well as department circular and circular issued by the DoP&T, to Respondent Nos.2 and 3 within a period of one week from the date of receipt of copy of this order and, if such representation is preferred by the applicant, along with the documents, then Respondent Nos. 2 and 3 are directed to consider the same keeping in mind the genuine difficulties highlighted by the applicant as well as departmental/DoP&T Circulars and pass a reasoned and speaking order within a

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period of four weeks from the date of receipt of the representation. Although, I have not expressed any opinion on the merit of the matter and left the matter to be decided by the appropriate authorities as per rules and regulations in force, still then I hope and trust that if after such consideration applicant's grievance is found to be genuine then Respondents may consider her reposting in his last place of posting from where she was transferred. However, since none has joined in her place, Respondents may allow the applicant to continue in her last place of posting from where she has been transferred recently till her representation is considered, disposed of and for a further period of one week from the communication of the result to the applicant.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
8. Copy of this order be given to the Ld. Counsel for the applicant. Applicant is at liberty to annex copy of this order along with her representation to be submitted.

(A.K.Patnaik)  
Member(J)

RK/PS