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BEFORE THE CENTRAL ADMINISTRATION TRIBUNAL

KOLKATA BENCH

O.A. No. 350/1689 of 2018

In the matter of:

An application under Section 19
of the Central Administrative
Tribunal Act, 1985;

And

In the matter of:

Pravati Mondal (Jana), wife of
Sri. Ram Krishna Jana, residing
at Village- Raynagar, Ward
No.12, Post Office and Police
Station- Diamond Harbour,
District- South 24 Parganas,

2. PIN- 743331. working as staff Nurse
of SC M medical unit Khalek
unit South 24 Parganas... Applicant

-Versus-

1. Union of India, service

2. through the under Secretary to
the Ministry of Labour and employment-

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2. *Sham* Shakti Bhawan, Rafi Marg., New Delhi-110001.

2. The Under Secretary, Labour Welfare Organization, Ministry of Labour and Employment, Government of India, Jaisalmer House, Mansingh Road, New Delhi- 110011.

3. The Welfare and Cess Commissioner, Labour Welfare Organization, Ministry of Labour and Employment, Government of India, 2nd MSO Building, 5th Floor, Nizam Place, 234/4, AJC Bose Road, Kolkata- 700020.

4. The Deputy Labour Welfare Commissioner (C), Ministry of Labour and Employment, office of the Welfare & Cess Commissioner, Labour Welfare Organization, (Government of India)

Alle

234, AJC Bose Road, Kolkata-
700020.

... Respondents

all

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1689/2018

Date of Order: 19.11.2018

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

Pravati Mondal -v-s M/o Labour

For the Applicant(s): Mr. S. K Mandal, Counsel

For the Respondent(s): Mr. S. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.K. Mandal, Ld. Counsel for the applicant.

2. Mr. S. Banerjee, Ld. Counsel for the Official Respondents, is also present and heard in extenso.

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

" a) quash /set aside the transfer order issued vide the office order No. 643 of 2018 dated 2nd November, 2018 by the respondent No.4.

b) Direction upon the concerned respondents to withdraw/resign/conceal the transfer order passed by the concerned respondent No.

c) Direction upon the concerned respondent to dispose of the appeal/representation filed by the applicant without any delay.

d) An order directing the respondent authorities to produce or cause production of all relevant documents.

e) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."

4. The case of the applicant as submitted by the Ld. Counsel for the applicant, in short, is that the applicant, who is working as a Staff Nurse of Static-cum- Mobile Medical Unit, Kakdwip, 24 Parganas (South) under the respondents authority has been transferred from her present place of posting to Central Hospital, Murshibabad. The applicant states that if the transfer order is effected, she will

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suffer irreparable loss and injury as she has two young children who are studying in Class X. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred representation under Annexure-A/5 on 10.11.2018 before Respondent No.3. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if Respondent No.3 is directed to consider her 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 of the applicant under Annexure-A/5, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that till the representation is considered and result thereof is communicated to the applicant, status quo as on date so far as continuance of the applicant in the present place of posting is concerned shall be maintained. I also 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 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 by Speed Post, 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)

RK/PS