

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00073/2019

Date of order: 18.1.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Tapan Kumar Sarma,
Son of Late Gouranga Chandra Sarma,
Aged about 56 years,
Working as SPT/AIR/Chinsurah,
Residing at Flat No. 4F,
Block I, Trinayana Apartment,
12 B.T. Road, Rathfala, Belgharia,
Kolkata – 700 056, West Bengal.

Applicant

VERSUS –

1. The Union of India,
Through the Secretary,
M/o Information & Broadcasting,
Room No. 55, A Wing,
Shastri Bhawan,
New Delhi – 1.
2. Chairman,
Prasar Bharati,
Prasar Bharati House,
Copernicus Marg,
New Delhi – 1.
3. Prasar Bharati,
Through CEO,
Prasar Bharati House,
Copernicus Marg,
New Delhi – 1.
4. The Director General,
All India Radio,
Akashvani Bhavan,
Sansad Marg,
New Delhi – 1.
5. The Additional Director General (E-EZ),
All India Radio and Doordarshan,
Eden Gardens,
Kolkata – 700 001.

[Signature]

6. Aboy Kumar Mondal,
LPT, Balia Pal,
Orissa – 759 122.

.. Respondents

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This Original Application has been filed as a sequel to O.A. No. 350/01753/2018 which was disposed of on 29.4.2018 with the following directions:-

"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. 4 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 hope and trust that if after such consideration, the applicant's grievance is found to be genuine then necessary orders may be passed keeping the applicant in present place of posting as per Annexure-A/1. 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."

2. The respondents thereafter issued a speaking order on 7.1.2019, which is the subject matter of challenge in the instant Original Application.
3. Heard Ld. Counsel for the applicant. The matter is taken up at the admission stage. Affidavit of service is taken on record.
4. The case of the applicant, as submitted through his Ld. Counsel, is that the applicant had preferred a representation on 15.6.2018, which was directed to be considered by the Tribunal in the earlier Original Application. Although the

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applicant is a physically challenged person, the respondents, however, have failed to consider the contents of O.M. dated 31.3.2014 of DOP&T, which provides guidelines for providing certain facilities in respect of persons with disabilities who are already employed in Government for efficient performance of their duties, while disposing of the representation through their speaking order. In particular, Ld. Counsel for the applicant would highlight para 'H' of the said guidelines with reference to preference in transfer/posting, which states as follows:-

"H. Preference in transfer/posting:

As far as possible, the persons with disabilities may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved the desired performance. Further, preference in place of posting at the time of transfer/promotion may be given to the persons with disability subject to the administrative constraints.

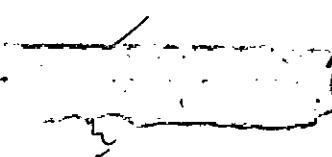
5. Upon a perusal of the representation, however, it transpires that the applicant has only appealed for retention at Kolkata on grounds of his impending retirement and the DOP&T's guidelines was not highlighted in the said representation.
6. Accordingly, without entering into the merits of the matter, we grant the applicant liberty to prefer a further comprehensive representation to the respondent authorities citing the relevant provisions in DOPT guidelines dated 31.3.2014 (Annexure A-4 to the O.A.) within two weeks from the date of receipt of a copy of this order.

We further direct the competent respondent authority, who is the respondent No. 5, namely the Additional Director General (E-EZ), All India Radio and Doordarshan, Kolkata to dispose of the same with a reasoned and speaking order, with particular reference to the DOPT's guidelines dated 31.3.2014

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(supra), within a period of six weeks from the date of receipt of the representation and to convey the decision forthwith to the applicant.

7. With these directions, the O.A. is disposed of. No costs.


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP

