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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

AN application Under Section 19 of the
Central Administrative Tribunal Act, 1985.

Original application No. 350/01791 of 2018.

SMT. SOMA BANERJEE

Wife of Mr. Amitava Banerjee

36/11, B. 2nd Floor, C.N. Roy Road,

Post Box Office and Police Station

Tiljala, Kolkata- 700 039.

..... Applicant.

- Versus -

1. Union of India, through the
Director, Intelligence Bureau, Ministry
of Home Affairs (Govt. of India), Gate
No. 7, North Block, New Delhi- 110 001.

2. The Director,

Intelligence Bureau, Ministry of Home
Affairs, Govt. of India, 36, Sardar
Patel Marg, New Delhi- 110 021.

3. The Additional Director,

Subsidiary Intelligence Bureau,

Ministry of Home Affairs, Govt. of
India, 8/1, Gariahat Road,

Kolkata- 700 019.

..... Respondents.

NSL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1791/2018

Date of Order: 10.12.2018

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

Soma Banerjee -vs- SIB

For the Applicant(s): Ms. B. Ghosh Dutta, Counsel

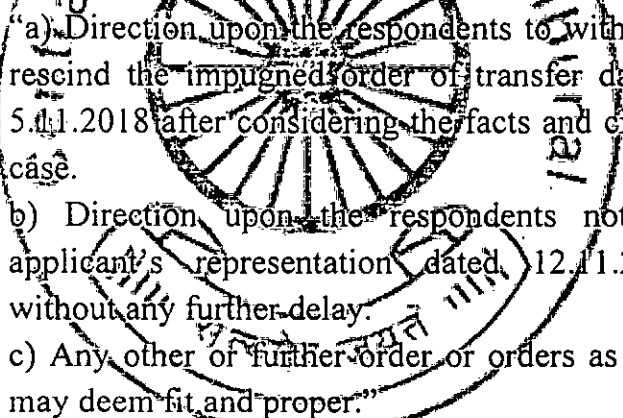
For the Respondent(s): Mr. A.K. Chattopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

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

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- a) Direction upon the respondents to withdraw/cancel and/or rescind the impugned order of transfer dated 24.3.2017 and 5.11.2018 after considering the facts and circumstances of the case.
 - b) Direction upon the respondents not to consider the applicant's representation dated 12.11.2018 immediately without any further delay.
 - c) Any other or further order or orders as to Your Lordships may deem fit and proper."

3. The case of the applicant in short is that she has been transferred from SIB Kolkata to IB/HQr/New Delhi. However, the applicant approached the authority for cancellation of the said order due to her ill health as the applicant is a Cardio Miopathy patient. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred a representation, annexing medical prescriptions, on 12.11.2018 (Annexure-A/5) before Respondent No.3, which is stated to be pending.

NAO

4. 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, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order keeping in mind the rules, regulations as well as all the points raised in the representation within a period of three weeks from the date of receipt of copy of this order. It is made clear that if after such consideration the applicant is found to be entitled to the relief claimed by her then necessary steps be taken within a further period of three weeks to redress her grievance. I also make it clear that status quo as on date so far as continuance of the applicant in the present place of posting is concerned will be maintained till the period of one week from the date of communication of the order to the applicant. It is further made 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.

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

6. 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.

7. Copies of this order be handed over to the Ld. Counsel for the parties. Applicant is granted liberty to bring this order to the notice of the appropriate authorities.

(A.K.Patnaik)
Member(J)