

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00517/2019

Date of order: 09.04.2019

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

Shri Prithwish Boral,
Son of Samir Kumar Boral,
Aged about 53 years,
Working as Booking Supervisor,
SM/Bagbazar,
Under the Sr. DCM, Sealdah,
Eastern Railway,
Residing at 7 A.T. Chatterjee Road,
Kolkata – 700 031.

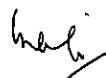
.. Applicant

- V.E.R.S.U.S -

1. Union of India
Service through the General Manager,
Eastern Railway
Fairlie Place,
Kolkata – 700 001.
2. The Sr. Divisional Commercial Manager,
Eastern Railway,
Sealdah Division,
Sealdah,
Kolkata – 700 014.
3. Sr. Divisional Personnel Officer,
Eastern Railway,
Sealdah Division,
Sealdah,
Kolkata – 700 014.
4. The Assistant Personnel Officer (T&C),
Eastern Railway,
Sealdah Division,
Sealdah,
Kolkata – 700 014.

.. Respondents

For the Applicant : Mr. J.R. Das, Counsel



For the Respondents : Mr. K. Bhattacharya, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- "(i) An order directing the respondent to implement the order dated 4.7.2016 on immediate basis.
- (ii) To consider the representation made by the applicant dated 31.1.2019 and implementing the order dated 4.7.2016 and taking into account that the applicant is suffering from Lumbar Spondylosis with muscular spasm and as such, not effecting the said transfer order and compelling the applicant to continue at present place of posting is being very painful apart from daily life would be greatly impaired.
- (iii) An order directing the respondents to produce entire records of the case since lying within the jurisdiction of this Hon'ble Tribunal.
- (iv) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard Ld. Counsel for both sides, examined documents on record. The matter is taken up at the admission stage.

3. The applicant, through his Ld. Counsel has submitted as follows:-

That, the applicant is working as Booking Supervisor with the respondent authorities. As the applicant is suffering from certain ailments, he had prayed for transfer from his existing place of posting at Bagbazar and, although the said transfer had been allowed vide orders dated 4.7.2016, the same was not implemented till date.

That, in the meanwhile, on being found suitable in the modified suitability test, the applicant was promoted to the post of CS/BS/BSS/CTI in level - 7 as per VII CPC pay matrix w.e.f. 7.12.2016 but the applicant could not be spared from his present place of posting and, hence, his promotion was not given effect to. According to the applicant, similar staff have been transferred from Baghbazar to Majherhat on own request and it is only the applicant who has not been spared from his present posting. The applicant had made representations to such effect, but the respondent authorities failed to decide positively in his favour. Consequently, being aggrieved, the applicant has approached the Tribunal in the instant Original Application.

According to the Ld. Counsel for the applicant, the applicant's representation dated 31.1.2019 (Annexure A-4 colly. to the O.A.) remains pending and the applicant would be fairly satisfied if in partial modification to the same, he is accorded liberty to prefer a comprehensive representation citing the case of similarly circumstanced employees, who had been transferred on their own request to their preferred places of posting as per Office Order dated 13.2.2019 (Annexure A-3 colly. to the O.A.).

4. Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

5. Accordingly, with the consent of the parties and without entering into the merits of the matter, we hereby accord the applicant liberty to prefer a comprehensive representation citing documents in his support within three weeks of receipt of this order and, upon receiving such representation, the competent respondent authority shall, within six weeks of the date of receipt of such representation, convey his decision in the form of a reasoned and speaking order decided in accordance with law, forthwith to the applicant.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP