

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00055/2019

Date of order: 21.1.2019

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

Smt. Soma Banerjee,
Wife of Mr. Amitava Banerjee,
36/11, B. 2nd Floor,
C.N. Roy Road,
Post Office and Police Station – Tiljala,
Kolkata – 700 039.

.. Applicant

VERSUS –

1. Union of India,
Through the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi – 110 001.
2. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
35, Sardar Patel Marg,
New Delhi – 110 021.
3. The Additional Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
9/1, Gariahat Road,
Kolkata – 700 019.

.. Respondents

For the Applicant : Mr. B. Bhushan, Counsel

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"(a) To quash the impugned speaking order dated 4.1.2019 passed by the respondent No. 3;

(b) To temporarily suspend the order of transfer dated 24.3.2017 not to give effect in the matter of the applicant as she has decided to avail voluntary retirement;

(c) To recall the relieving order so that the applicant may get the salary and also to treat the applicant as an incumbent of the office of Respondent No. 3 till the acceptance of voluntary retirement;

(d) The Respondent be directed to sanction the leave (189 days of Child Care Leave) prayed for dated 15.10.2018 by the applicant and allow the applicant to avail all kinds of leave due to her account and which she is entitled to at her present place of posting;

(e) The Respondents be directed to accept the 6 months' Notice period for Voluntary Retirement from service during or after availing herself of the due leave;

(f) Any other or further order or orders as to Your Lordships may deem fit and proper."

2. Heard both Id. Counsel and examined documents on record. The matter is taken up at the admission stage.

3. According to the Ld. Counsel for the applicant, the relief sought for at (d) and (e) of the said Original Application are consequent to the transfer order dated 24.3.2017 and speaking order dated 4.1.2019.

Ld. Counsel for the applicant, however, submits that the applicant be permitted to withdraw the instant O.A. with liberty to prefer a comprehensive prayer for Voluntary Retirement which may be considered by the respondent authorities within a specified time frame.

Accordingly, the applicant is permitted to withdraw the instant Original Application and to prefer a comprehensive representation praying for voluntary retirement addressing the same to the competent respondent authority within a period of one week from the date of receipt of a copy of this order.

mtl

4. Once such representation on voluntary retirement is received from the applicant, the competent respondent authority shall take a decision on the same as per law and convey his/her decision in a form of a reasoned and speaking order to the applicant within a period of 2 weeks' thereafter.

Till such time that the representation of the applicant for voluntary retirement is disposed of, the orders dated 11.1.2019 relieving the applicant from her duties w.e.f. 12.1.2019/FN would remain in abeyance. The respondent authorities shall also, while disposing of the applicant's prayer for voluntary retirement, pass appropriate orders on the period of interregnum.

5. With the above direction, the O.A. is disposed of as withdrawn.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

