

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 351/00070/2015

Date of order: 1.10.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Shri Akthar Hussain,  
S/o. Late Abdul Kari,  
Residents of Phoenix Bay Village,  
Under Port Blair Tehsil,  
District of South Andaman,  
(Presently working as Foreman under  
The Chatham Power House,  
Electricity Department).

.. Applicant

- V E R S U S -

1. The Andaman & Nicobar Administration,  
(service through Chief Secretary),  
Secretariat, Port Blair.
2. The Superintending Engineer,  
Office of the Superintending Engineer,  
Electricity Department,  
Port Blair.
3. The Assistant Director (Admn.),  
Office of the Superintending Engineer,  
Electricity Department,  
Port Blair.

.. Respondents

For the Applicant : Mr. K.M.B. Jaipal, Counsel

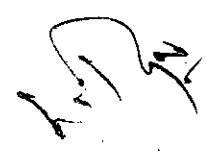
For the Respondents : Mr. K. Rao, Counsel

O R D E R (Oral)

Per Mr. G. Rajasuria, Judicial Member:

Ld. Counsel for both sides are present.

2. This O.A. has been filed seeking the following reliefs:-  
"a) Order may be passed setting aside and/or quashing and/or  
rescinding and/or annulling the impugned letter under Ref. No. 6-  
41/EL/SE/Estt./2011-12/5159 dated 5.12.2014 issued by



Assistant Director (Admn.), Office of the Superintending Engineer,  
Electricity Department, Port Blair.

b) Order may be passed directing the Respondent Authorities to extend the transfer benefit to the Applicant.

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

3. The Ld. Counsel for the applicant invited the attention of this Court to Annexure A-10 which is reproduced herein for ready reference:-

"F.No. 6-41/EL/SE Estt/2011-12/5159 Port Blair, Dated 5.12.14

To

The Executive Engineer (PG),  
Electricity Department,  
Port Blair.

Sub: Request for payment of transfer benefits - reg.

Sir,

I am directed to refer to your letter No. 9-163/EL/PG-Estt./2014/4448 dated 27.11.2014 on the subject cited above.

A clarification regarding grant of transfer benefits to the Govt. Servant who have transferred and posted to the same station has already been issued from this Circle Office vide letter No. EL/2-6/EL/SE/Acts/10-11/5219 dated 22.11.2012.

You are therefore requested to inform the party concerned accordingly and further request for considering the transfer grant to the Govt. Servant may not be entertained and forwarded to this in future.

Yours faithfully,

(Sagari Devi)  
Assistant Director (Admn.)"

4. The Ld. Counsel for the applicant submits that there is vagueness in the order and his client could not make anything out of it as he is completely kept in the dark concerning the letter dated 22.11.2012 referred to therein.



5. Accordingly, he would pray for a specific direction to the authority to consider his representation.

6. Per contra, Ld. Counsel for the respondents would pray for filing a detailed reply.

7. Taking into consideration the innocuous prayer of the applicant, we would like to issue the following direction:

The respondent authority concerned shall give a speaking order, after considering the representation of the applicant dated 27.11.2014, by setting out the reasons for not extending the transfer benefits ~~to~~<sup>to</sup> the applicant, within a period of six weeks from the date of receipt of a copy of this order.

8. Ordered accordingly.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

SP