

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

LIBRARY

OA.No.350/01059/2019

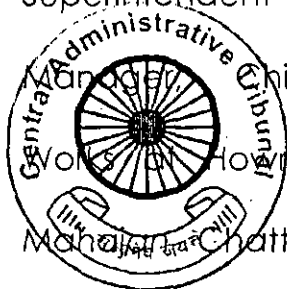
Date of order : 24.09.2019

Coram : Hon'ble Mrs Manjula Das, Judicial Member

Hon'ble Mr Nekkhomang Neihsial, Administrative Member

Sushil Kumar Datta

Son Late Jitendra Nath Datta, aged about 59 years working as Chief Office Superintendent under Assistant Material Manager, Chittaranjan Locomotive Works, Hooghly Depot, residing at Mahajana Chatterjee Lane, Fatakgora Chandanagar, District Hooghly, PIN: 712136.



..... **Applicant**

- Versus -

1. UNION OF INDIA,

through the General Manager,
Chittaranjan Locomotive Works,
Chittaranjan, District Paschim
Bardhaman, PIN: 713 301.

2. The Principal Chief Personnel Officer,

Chittaranjan Locomotive Works,
Chittaranjan, District Paschim
Bardhaman, Pin: 713301.

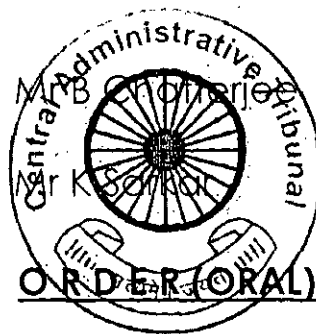
3. Assistant Material Manager

Chittaranjan Locomotive Works,
Chittaranjan, District Paschim
Bardhaman, Pin: 713301.

..... Respondents

For the Applicants : Mr B Chatterjee Counsel

For the Respondents : Mr K Sankar Counsel



Manjula Das, Judicial Member:-

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:

- a) An order quashing and/or setting aside the impugned Orders dated 23.03.2019, 28.03.2019 and 21.05.2019.
- b) An order directing the respondents to allow the applicant to continue at Howrah Depot till his superannuation.
- c) An order directing the respondents to produce/cause production of all relevant records.

d) *To pass such other order or orders, direction or directions as Your Lordships may seem fit and proper."*

2. Learned counsel for the applicant submitted that applicant has been working in Howrah Depot as Chief Office Superintendent. He has only five months to retire from service and all of a sudden, he has been ordered to be transferred from Howrah Depot to Dankuni office vide order dated 23.03.2019. According to the learned counsel, applicant has been served with transfer order dated 23.03.2019 along with release order dated 28.03.2019 on 22.03.2019. Applicant submitted representation but to no avail. Situated thus, applicant filed OA. 494/2019 which was disposed of vide order dated 04.04.2019 by directing the respondents to consider his representation and to allow the applicant to continue in Howrah Depot till disposal of representation. However, vide impugned speaking order dated 21.05.2019, prayer of the applicant was rejected by upholding the transfer order.

3. Learned counsel for the respondents submitted that applicant along with others have been transferred to Dankuni along with the post to provide extra manpower to Dankuni

project to achieve the enhanced Loco production target and their transferred place is not too far from the present place, therefore it is not possible to retain the applicant at Howrah Depot. According to the learned counsel, the respondents have considered the representation of the applicant pursuant to the orders dated 04.04.2019 passed in OA.494/2019, and could not accede to their prayer as he was transferred along with the post.

4. Learned counsel for the applicant, on the other hand, submitted that juniors to the applicants have been retained in Howrah Depot whereas the applicant has been transferred when he has only five to retire from service. Learned counsel has drawn our attention to the Railway Board circular No.E(NG)I-2009/TR/7 dated 03.04.2012 whereby it is stipulated that those staff on the verge of retirement (with only one or two years service left) may be exempted from transfer if complaints against them are not serious. Learned counsel submitted there is no complaint against the applicant.

5. Be that as it may, it is undisputed fact that applicant is set to retire in January, 2020 and no practical purpose will be served in transferring the applicant at this juncture. In the case of

Narayan Choudhury Vs. State of Tripura & Ors. WP(C) No.

239/1999 reported in **(2000) 1 GLR 519** the Hon'ble Gauhati High

Court of Agartala Bench has held as under:-

"The petitioner is retiring towards the end of 2000 and he has to serve hardly one and half years, no practical purpose will be served by asking the writ petitioner to proceed to his place of posting at Gomit just for a period of 5/6 months".

The present case is squarely covered by the above case of

Narayan Choudhury (supra).

6. In view of the aforesaid decision of the Hon'ble Gauhati High Court in **Narayan Choudhury (supra)**, the transfer of the applicant at the verge of retirement is not proper. Accordingly, this OA is disposed of at the admission stage itself with direction to the respondents to allow the applicant to continue in service in Howrah Depot till his retirement from service.


(NEKKHOMANG NEIHSIAL)
ADMINISTRATIVE MEMBER

/bb/


(MANJULA DAS)
JUDICIAL MEMBER