

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

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O.A/350/922/2019

Date of Order: 16th July, 2019

Coram : Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Jitendra Prasad, son of late Mangru Mahato, working as Assistant Director (Hindi Typing/Stenography) in the office of Central Hindi Training Sub-Institute, Ministry of Home Affairs, Department of Official Language, 19th Floor, Nizam Palace, 2nd MSO Building, Kolkata - 700020. Residing at C.G.O Qrts., Flat No.- 98, Alipore, 1, Belvedere Estate, Kolkata - 700027.

---Applicant

-versus-

1. Secretary, Government of India, Ministry of Home Affairs, Department of Official Language, NDDC-II Bhawan (Building), B.Wing, 4th Floor, Jai Singh Road, New Delhi -110001.
2. Joint Secretary, Government of India, Ministry of Home Affairs, Department of Official Language, NDDC-II Bhawan (Building), B.Wing, 4th Floor, Jai Singh Road, New Delhi -110001.
3. Director, Central Hindi Training Institute, 7th Floor, Pandit Deen Dayal Antyodaya Bhawan (Parayavanan Bhawan), C.G.O Complex, Lodhi Road, New Delhi - 110003.
4. The Joint Director, Central Hindi Training Institute, 7th Floor, Pandit Deen Dayal Antyodaya Bhawan (Parayavanan Bhawan), C.G.O Complex, Lodhi Road, New Delhi - 110003.
5. Deputy Director (East), Central Hindi Training Institute, 2nd M.S.O Building, 19th Floor, A.J.C. Bose Road, Kolkata - 700020.

----Respondents

6. Shri Dheeraj Lal, Assistant Director (Hindi Typing /Stenography), Office of the Hindi Teaching scheme, Guwahati (Assam), Pin-

For the Applicant(s) : Mr. B. Bhushan, counsel

For the Respondent(s) : None

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O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the AT Act, 1985 challenging the transfer order dated 02.07.2019 and seeking the following relief:

- "a) Quashing of the impugned order of transfer vide letter No. A22013/3/2014-CHTI/1993 dated 02.07.2019 whereby the applicant has been transferred from Kolkata to Guwahati.
- b) Direction upon the respondents to dispose representation dated 02.07.2019 addressed to the Respondent No. 1 through the proper channel.
- c) Stay of relieving order vide a letter no. A-19012/12/1994-CHTI/1989 dated 05.07.2019 whereby the office of the Respondent No. 4 has relieved the applicant with immediate effect during the pendency of representation."

2. Heard ld. counsel for the applicant. Examined documents on record.

Affidavit of service is taken on record.

The matter is taken up at the admission stage.

3. Ld. counsel for the applicant submits that, on 02.07.2019, vide an order of transfer, the applicant was transferred on public interest to Guwahati from Kolkata purportedly to accommodate one Sri Dhreeraj Lal, proforma respondent No. 6, and, that the applicant, upon receipt of the order had immediately prayed for reconsideration of the transfer, vide his representation dated 2.7.19, addressed to the Secretary, Govt. of India, who is the Respondent No. 1, through proper channel.

4. The applicant, however, was released within 3 days thereafter, namely, on 05.7.19, and the applicant apprehends that the release order has been issued without consideration of his representation.

According to Ld. counsel for the applicant, as the respondent No. 6 has already joined his transferred place of posting, the applicant has purportedly proceeded on leave and has prayed for an interim relief in the form of stay of his relieving order and submits that the interim relief as prayed for in para 9 (i) and (ii) are not pressed.

Guwahati

5. None appears on behalf of the respondents despite affidavit of service being on record.

This matter pertains to Division Bench. As no Division Bench is convened, however, the prayer for interim relief is taken up on the plea of urgency of the ld. counsel for the applicant.

6. As it would not be prejudicial to direct Respondent No. 1 to issue a reasoned order in accordance with law on the representation of the applicant dated 2.7.2019, Respondent No. 1 is directed to decide on the representation of the applicant dated 2.7.2019 at Annexure A/1, within a period of 4 weeks from the date of receipt of a copy of this order. The concerned respondent authority shall decide and convey his decision in the form of a reasoned and speaking order to the applicant thereafter.

This Tribunal has not entered into the merits of the matter and the respondents are at liberty to decide as per law.

7. Till such time the representation is disposed of, the respondents will not take any coercive action against the applicant to compel him to join his transferred place of posting.

8. With these directions, the O.A is disposed of. There will be no orders as to costs.

(Dr. Nandita Chatterjee)
Member (A)

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