

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 1107 of 2019

Date of order: 20.8.2019

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

Utpal Mitra,
Assistant,
Geological Survey of India,
Eastern Region,
Residing at 418 G.T. Road,
Post Office - Mahesh,
District - Hooghly,
Pin - 712202.

Applicant

- VERSUS -

1. Union of India,
Service through the Secretary,
Ministry of Mines,
Shastri Bhawan,
2, Rajendra Prasad Marg,
New Delhi - 110 001.
2. The Additional Director General &
HoD, Geological Survey of India,
Eastern Region,
Bhu - Bijnan Bhawan,
DK - 6, Sector - II, Karunamoyee,
Salt lake,
Kolkata - 700 091.
3. The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
Kolkata - 700 016.

... Respondents

For the Applicant : Mr. S. Mukherjee, Counsel

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Mr. C. Sinha, Counsel

For the Respondents

Mr. P.N. Sharma, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

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

- “(a) An order be passed directing the respondent authorities to cancel and/or set aside and/or revoke the purported office order being No. 1585/A-22015/Transfer/Operation/Estt.-I&II/ER/2018, dated August 8, 2019;
- (b) An order directing the respondents to produce all relevant records in connection with the subject matter of the original application;
- (c) Costs of Litigation;
- (d) Any other further order/orders as this Learned Tribunal may deem fit and proper.”

The applicant also prays for interim relief as follows:-

“An order directing the respondents for stay of operation of the office order being No. 1585/A-22015/Transfer/Operation/Estt.-I&II/ER/2018, dated August 8, 2019 from the date of issuance of the same.”

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up at the admission stage for disposal.
3. The submissions of the applicant are that the applicant is an Assistant Group -B working in the Estt. III Section ER, GSI. That, the applicant had been working in the said post vide orders dated 9.6.2015 (Annexure A-2 to the O.A.) and, that, thereafter, on 8.8.2019, the applicant was transferred from the Estt.-III Section, GSI to SU:WB& A-N,ER, GSI, Kolkata, with effect from 9.8.2019 (FN). The said order at Annexure A-3 to the O.A. further stated that the applicant stood released w.e.f. 8.8.2019 from his present place of posting. The applicant thereafter represented electronically to the respondent authorities and followed up the same with a legal notice but the respondent authorities failed to

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respond. Accordingly, being aggrieved with the inaction of the respondent authorities, the applicant had approached the Tribunal praying for relief.

Ld. Counsel for the applicant would vociferously argue that the said transfer order has been issued in violation of the settled government policy as because the office order was issued without being routed through the Transfer & Placement Committee as mandated by the Hon'ble Apex Court. Ld. Counsel for the applicant would also allege malafide and whimsical decision making against the respondent authorities in issuing such a transfer order to the applicant scheduled to superannuate within next two years and urge that, as the representation dated 10.8.2019 sent electronically to the respondent authorities remain pending for consideration, the applicant would pray for early consideration of the same.

4. Ld. Counsel for the respondent argues that the challenge to the transfer is not founded on any cogent grounds as because the said transfer involved the applicant's movement within the same office building and would not cause any locational or logistic inconvenience to the applicant. Ld. Counsel for the respondents, however, would not object to consideration of his representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, we hereby direct the respondent No. 3, who is the Director General, Geological Survey of India, Kolkata, to examine the contents of the electronic communication issued by the applicant on 10.8.2019, if placed at his end, within a period of six weeks from the date of receipt of a copy of this order. The said respondent authority will decide in accordance with law and will convey his decision in the form of reasoned and speaking order to the applicant thereafter.

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

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

(Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

