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O.A. 350/1129/2019

An application under Section 19 of the Administrative
Tribunals Act, 1985

BETWEEN

Goutam Kumar Munian,

Son of Sri Ajit Kr. Munian, aged about 45 years,
working as Sr. Geologist at Geological Survey of India,
Eastern Region, Bhu-Bijnan Bhawan, Salt Lake, residing
at A/1 404, Kendriya Bihar, Pahse-II, Durganagar,
Kolkata-700059.

... Petitioner / Applicant

AND

1. Union of India, service through
the Secretary, Government of India, Ministry of
Mines, Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi - 110 001.
2. The Director General, Geological Survey of India,
27, J. L. Nehru Road, West Bengal, Kolkata-700016,
3. The Additional Director General and HoD, Geological
Survey of India, Eastern Region, Bhu-Bijnan Bhawan,
DK-6, Sector-II, Salt Lake, Kolkata-700091.
4. The Dy. Director General (HRD), Geological Survey
of India, Central Headquarters, 27, J. L. Nehru
Road, West Bengal, Kolkata-700016

... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A/350/1129/2019

Date of Order: 20.08.2019

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

GOUTAM KUMAR MUNIAN

VS.

UNION OF INDIA & OTHERS(G.S.I.)

For the applicant : Mr. A. Chakraborty, counsel

For the respondents : None

ORDER

Bidisha Banerjee, Member (J):

Ld. counsel for the applicant was heard. None appears for the respondents despite notice. Affidavit of Service is taken on record.

2. Case of the applicant in a nutshell is that he has exercised option to be retained at Kolkata or for his posting to Gangtok, Guwahati or Shillong as his preferred place of posting on transfer vide his representation dated 13.10.2017, the reason being that his aged ailing parents are fully dependent on him, his father aged 91 years is a cardiac patient and mother aged 75 years underwent an eye surgery and both of them are under constant medical check up at Kolkata. The applicant is aggrieved as in total non-consideration of his representation dated 13.10.2017 regarding his preferred place of posting, he has been posted at SU, Madhya Pradesh, CR, Jabalpur from RHQ, ER, Kolkata on his

promotion to the post of Superintending Geologist in Geological Survey of India from the post of Senior Geologist, on the recommendation of DPC vide order dated 22.07.2019.

3. Lt. counsel for the applicant would invite our attention to a representation preferred by the applicant on 25.07.2019 to the Director General, Geological Survey of India, Kolkata seeking transfer on promotion to the following places:-

"1. Bhubaneswar, 2. Ranchi, 3. Agartala,

4. Gangtok, 5. Guwahati, 6. Shillong"

Lt. counsel for the applicant would further contend that the representation has been turned down without assigning any reason as evident from the letter sent to DDG(HRD) G.S.I dated 13.08.2019 (Annexure A/4 to the O.A.)which reads as under:-

"With reference to the subject mentioned above, this is to inform you that, the request in respect of Shri Goutam Kumar Munian, Sr. Geologist, ER, Kolkata is considered critically but the competent authority has not acceded to it.

Therefore, you are requested to kindly convey the same to Shri Munian for further necessary action based on the office memorandum no. /A32013/3-Suptdg. Geol/DPC-2019/2018/Pers-I, dated 22.07.2019."

4. Accordingly without entering into the merits of the matter and having noted that the rejection is cryptic, we quash the order dated 13.08.2019 and remand the matter back to the Respondent No.2 to issue a reasoned and speaking order conveying the applicant the reason for which he cannot be accommodated at his preferred locations keeping in view the family problems highlighted by him in his representation. Appropriate orders be issued within 4 weeks from the

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date of receipt of a copy of this order. Till such time no coercive steps
be taken against the applicant.

(Dr.Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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