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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O.A. 350/00034/2016

Order dated: 08.02.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

CHITTARANJAN DAS

VS.

UNION OF INDIA & ORS. (N.F. Rly.)

For the Applicant : Mr. B. Chatterjee, Counsel
Mr. J. Dutta, Counsel

For the Respondents : None

ORDER (Oral)

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved.

2. Heard Ld. Counsel appearing for the applicant. Despite service no one appeared for the respondents. Therefore Rule 16 of CAT (Procedure) Rules, 1987 is invoked.

Affidavit of service is taken on record.

3. The applicant ~~work~~ a Health and Inspector nominated as Food Safety Officer to serve under CMS/Katihar on 8.7.15 on full time basis is aggrieved with an order dated 11.09.2015, as contained (Annexure A-6) to the O.A., whereby and whereunder he has been nominated once again to act as Food Safety Officer on full time basis for Alipurduar Division.

4. The applicant has assailed the order on the ground from that pursuant to ~~pass~~ the order dated 8.7.2015, he had expressed his willingness for full time to work as Food Safety Officer at Katihar Division. There was no reason for the respondents to change posting without asking for ~~challenge~~ his further option for the same. He has also cited the example of one P.C. Deo who requested the authorities to drop his name from the order dated 11.09.2015 transferring him as Food Safety Officer, Katihar and the same has been acted up for the respondents.

5. Therefore the Ld. Counsel would argue that the applicant being similarly circumstanced would require a consideration alike P.C. Deo.
6. The Ld. Counsel for the applicant would submit that he would be satisfied with a direction upon the respondents to issue a speaking order on the pending representation dated on 28.12.2015 in a time bound manner.
7. As an innocuous prayer has been made, the O.A. is disposed of with a direction upon the respondent No. 2 to consider the representation dated 28.12.2015 and dispose it of with a reasoned and speaking order clearly indicating why the applicant would not be entitled to be retained at Katihar Division as Food Safety Officer, in terms of his wiliness given on 28.7.2015 (Annexure A-4) pursuant to the notification dated 8.7.2015 (Annexure A-3) asking for such willingness.
8. It is made clear that no opinion has been expressed on the merits of the matter.
9. It is, however, also made clear that so long the order is not issued to the applicant, status quo in regard to the applicant shall be maintained.
10. No costs.

(Bidisha Banerjee)
JM

drh