

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00338/2016

Date of order : 3.3.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. P.K.Basu, Administrative Member

AMAR KR. MAITY

VS

UNION OF INDIA & ORS. (CPWD)

For the applicant : Mr.S.K.Dutta, counsel

For the respondents : Mr.P.N.Sharma, counsel

O R D E R

Ms.Bidisha Banerjee, J.M.

The applicant is aggrieved as on his promotion to the post from LDC to UDC he has been transferred and posted at BRPC Mangan, IBBZ, Sikkim, vide posting order dated 11.2.16. In this OA he has prayed for quashing of the posting order with a direction upon the respondents to consider his promotion as UDC in Kolkata.

2. The transfer posting guidelines for CPWD subordinate staff i.e. LDC, UDC, Office Supdt., Stenographer/ Stenographer Gd I/PS provide that normal period of continuous stay at any other station except Delhi and Mumbai Stations would be 10 years and in terms of the instructions on transfer deputation and transfer of charge for the purpose of determining station tenure the period spent at a station continuously shall be considered irrespective of the post held. Therefore ld. Counsel would argue that the applicant who was brought to Kolkata on 7.1.08 ought to be allowed to complete station tenure of 10 years irrespective of the fact whether he was serving as LDC or UDC.

3. Per contra ld. Counsel for the respondents would submit that it was not a case of transfer rather it was a simple case of promotion and if the applicant desired he could forego the promotion. Further ld. Counsel would submit that

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the post to which the applicant is supposed to join is lying vacant at the place of posting.

4. At this juncture Id. Counsel for the applicant would submit that at least 11 LDCs have been offered promotion to serve as UDC in Kolkata itself. Therefore there was no occasion to transfer the applicant out of Kolkata on promotion. Id. Counsel would further submit that a representation preferred on 16.2.16 to the Dy. Director General, Headquarters, Co-ordination Unit is pending and he would be satisfied if a direction is given to consider and dispose of the pending representation whereby he had sought for modification of the posting order to Kolkata citing the cases of 11 LDCs who have been retained at Kolkata on promotion to UDC.

5. We have heard Id. Counsel for the parties and perused the materials on record.

6. Since the order under challenge is a promotion order, and apart from the fact that some persons were granted promotion ~~for~~ retaining them at Kolkata itself, we find no pressing grounds for consideration of the applicant's interim prayer for grant of status quo as on date. Therefore the applicant is directed to carry out the order immediately.

7. However, since a representation has been preferred seeking change of posting the same may be disposed of with due application of mind, within a period of one month of the date of communication of this order.

8. The OA is accordingly disposed of. No order is passed as to costs.

(P. K. BASU)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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