



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,
CALCUTTA

O. A. No. 351/00 1102 of 2019

IN THE MATTER OF:

SMT. K. MANJULA,

wife of Shri S. Kalidas, aged about 48 years, permanently residing at 15/10, Royal Enclave Flat, Ananya Street, Rangarajapuram, Modambakkam, Chennai and at present working to the post of Junior Engineer (Civil) in the Store Division of SSD-I, Chennai under the control and authority of Chief Engineer, APWD, Andaman and Nicobar Administration;

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Secretary, Ministry of Urban Development and Employment, Government of India, Nirman Bhawan, New Delhi-110011.

2. **THE ANDAMAN & NICOBAR ADMINISTRATION** service through the

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01102/2019

Date of order: 14.8.2019

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

*(K. Manjula v. APWD)*For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. R. Halder, Counsel

O R D E R (Oral)**Per Ms. Bidisha Banerjee, Judicial Member:**

Though this matter pertains to Division Bench but as Division Bench is not available today, the matter is taken up by this Single Bench for adjudication.

2. Heard Ld. Counsel for both sides.
3. The applicant has sought to challenge her transfer vide order No. 806 dated 1.8.2019 whereby and whereunder the Chief Engineer has sought to transfer, the applicant serving at Store Division (SSD Chennai), to CD-I, Port Blair against an existing vacancy based on the recommendation of Hard Case Committee Meeting held on 27.5.2019 along with 10 others. The ground for challenge is that it is a mid-session transfer and as per transfer policy applicable to the present department, transfer ought to be effected on or before 30th April of every year.

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4. Ld. Counsel for the respondents opposing the claim would submit that since model code of conduct was in force because of General Elections, the transfer proposed earlier could not be given effect to and would invite my attention to a charge-memo dated 10.5.2019 whereby and whereunder she has been charged with accumulation of disproportionate assets.

5. Ld. Counsel for the applicant, however, denied having been served with such chargesheet and would invite my attention to the transfer order to show that it does not spell out that the transfer is made at the behest of the disciplinary authority for initiation of a proceeding and that if proceeding has been initiated already unless there is leveling of an allegation of apprehension of tampering with evidence or influencing witnesses she should not be transferred and pendency of such proceeding should not stand in way of her consideration.

6. Be that as it may, since a representation seeking retention on the ground that her children is studying in Chennai Public School in IXth Standard and, if relocated at the midst of session, their studies would be affected and other medical grounds of family members, has been preferred by the applicant only on 2.8.2019, I feel it appropriate to order, in the interest of justice, to order a consideration of such representation in accordance with law and its disposal within a period of four weeks from this date with an appropriate reasoned and speaking order.

7. Ld. Counsel for the respondents submits that the reliever of the applicant has already joined in the place, which fact is contradicted by Ld. Counsel, Mr. P.C. Das, who would submit that the relieving order dated 7.8.2019 in regard to Sajan Mathai, Junior Engineer (Civil), her reliever shows that he has been relieved of his duties, but he has not yet

joined in place of the applicant. Therefore, till the disposal of the representation, let no coercive action be taken against the applicant.

8. The O.A. disposed of accordingly, no costs.


(Bidisha Banerjee)
Judicial Member

SP