

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



No. O.A. 351/01103/2019

Date of order: 14.8.2019

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

*(Kamal Mondal v. Education)*

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : Mr. R. Halder, Counsel

**ORDER (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. Aggrieved in regard to his transfer vide order dated 31.7.2019 whereby and whereunder he has been transferred from SSS Manglutan to SSS.Swarajgram with the approval of the competent authority, the applicant has challenged the transfer order on the ground that it is premature as Manglutan falls in Zone V and the prescribed tenure at Zone V is of five years in terms of policy of 5.12.2014 para 2 sub para (iii) and that, before his transfer to Swarajgram, on 4.4.2018 he was transferred to Manglutan and ought to be allowed to complete the prescribed tenure of five years at Manglutan. Whereas respondents would content that the applicant stood posted at Manglutan on being transferred from M.S. Pamasala with a clear indication that such posting was for a period upto 31.5.2019.

4. Ld. Counsel for the applicant at that juncture would contend that the applicant if temporarily posted at Manglutan until 31.5.2019 and he should be allowed to remain

posted at Zone V for the balance of his tenure that in terms of the posting order had to be relieved by May, 2019 whereas he is being relieved mid terms and, therefore, there is a malafide intention of the authorities in violating the transfer policy.

5. Ld. Counsel for the respondents to refute such allegation, would submit that since the posting order dated 4.4.2018 did not describe about any permanent transfer, the applicant cannot be allowed to remain posted at Zone V for the balance of his tenure.


6. Ld. Counsel for the applicant would draw my attention to a representation dated 5.8.2019 and seek consideration thereof in a time bound manner.

7. In my considered opinion, since a representation has been preferred only on 5.8.2019, and the applicant has not yet been released till date as submitted by Ld. Counsel for the applicant, the O.A. can be disposed of with a direction upon the competent authority to look into the grievance of the applicant as highlighted in the representation, consider it in accordance with the transfer policy, and dispose it in accordance with law within a time frame.

8. Accordingly, it is ordered that the representation dated 5.8.2019 be considered by the Director, Directorate of Education, A&N Administration, Port Blair in accordance with the policy etc. and be disposed of with a reasoned and speaking order within four weeks.

9. The applicant, if not released already, shall not be released till disposal of the representation, or if already released then let no coercive action be taken against him till such disposal.

10. The O.A. is disposed of accordingly. No costs.

  
(Bidisha Banerjee)  
Judicial Member

SP