



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

No.O.A.350/569/2019

Date of order : 13.06.2019

Coram :Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Dr.(Ms.) N. Chatterjee, Administrative Member

J. M. Nair
Son of Late G. P. Janardanan Nair,
Aged about 58 years,
By occupation service as Assistant Registrar
Of Co-operative Societies,
Under the Secretary (Co-operative) cum RCS,
Andaman & Nicobar Administration,
Port Blair,
Residence at Government Quarter No. P-56, Type III,
Premnagar,
Port Blair 744101

..... Applicant.

Versus

1. The Andaman & Nicobar Administration,
Service through the Lt. Governor,
A&N Islands Raj Niwas,
Port Blair - 744101
2. The Chief Secretary,
Andaman & Nicobar Administration,
Secretariat,
Port Blair - 744 101
3. The Secretary (Co-operative)
Cum Registrar of Co-operative Societies,
Andaman & Nicobar Administration,
VIP Road, Junglighat,
Port Blair - 744 103
4. The Assistant Director (Administration),
o/o the Secretary (Co-operative) cum RCS,
Andaman & Nicobar Administration,
Port Blair, VIP Road,
Port Blair - 744 103

For the applicant : Mr. S. Samanta, counsel
Mr. B. Samanta, counsel
Mr. P.K. Mondal, counsel

For the respondents : Mr. R. Halder, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

The applicant is working as Assistant Registrar of Cooperative Societies(ARCS) in the Andaman and Nicobar Administration. When he was working at Nancowrie, he was transferred to the Office of the Registrar of Cooperative Societies (RCS), Port Blair through order dated 07.03.2018. The applicant joined that place but made a representation on 18.05.2018 expressing his inability to discharge the functions attached to the said post on the ground of ill health. He made a request to assign him some different work. Initially, that request was not acceded to through a communication dated 28.06.2018. Thereafter on 08.10.2018 order was issued assigning him duties at Circle No. IV, Port Blair(Urban). Obviously, with a view to ensure that a competent officer is posted in the office of RCS, Port Blair the respondents passed an order dated 07.03.2019 transferring one Mr S. Raju, ARCS from Rangat to Port Blair and transferring the applicant herein to the place of ARCS, Rangat on temporary basis. This O.A. is filed challenging the order dated 07.03.2019.

2. The applicant contends that he worked in several hard places till he was posted at Port Blair in March, 2018. But within one year he has

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been shifted to a hard location. It is also pleaded that the transfer is contrary to the transfer guidelines issued by the administration.

3. We heard Mr. S. Samanta leading Mr. B. Samanta and Mr. P.K. Mondal, learned counsel for the applicant and Mr. R. Halder, learned counsel for the respondents.

4. The applicant was posted as ARCS in the Office of RCS, Port Blair on 07.03.2018. If the impugned order of transfer dated 07.03.2019 is viewed in isolation, it certainly deserves to be treated as arbitrary and contrary to the guidelines. The fact, however, remains that the applicant himself made a request that he be relieved from the duties of the RCS, Port Blair. The letter dated 18.05.2018 reads as under:-

"I would like to inform that I am holding the charge of ARCS(Technical cell) which is a vital section of the Department which deals with all the important policy decision related to Cooperative Societies, constant attention on the works to monitor all issues mainly related to Apex and Central Cooperative Societies has to be given due care. As I am about 58 years old and suffering from Diabetic and Hypertension due to which I have to take treatment frequently, so I am facing difficulties to concentrate on my works as ARCS(Technical) due to my illness.

I, therefore, request your goodself to kindly relieve me from the charges of ARCS(Technical Cell) and to allot me any other works, please."

Taking this into account, initially the respondents assigned duties to the applicant in Circle IV, Port Blair(Urban) vide order dated 08.10.2018. Thereafter he was posted to Rangat on temporary basis vide order dated 07.03.2019. That was due to the fact that the officer working at Rangat has been posted in the Office of RCS, Port Blair.

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5. The applicant is said to be 58 years old, suffering from health problems. He deserves to be considered for being posted in a place which is not so hard. These matters are to be examined by the respondents. The applicant is said to be on medical leave. However, his representations dated 02.04.2019 and 15.04.2019 can be considered at the earliest.

6. We, therefore, dispose of the O.A. directing the Respondent No.3 to pass appropriate order on the representations made by the applicant within 4 weeks from today. Till such time, the applicant shall be permitted to continue on leave and shall not be forced to report at Rangat. There shall be no order as to costs.

(Dr. N.Chatterjee)
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman