

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1439/2019

Date of Order: 15.10.2019

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

Shri Alok Kumar Das, son of Late Anandamoy Das, aged about 53 years, residing at 7th Mile, Reshambari, CSB Staff Quarter No. 8, Rishi Road, Kalimpong – 734301, West Bengal now presently posted at SSPC, Debinagar, Raiganj as an Assistant Superintendent (Administration) under Central Silk Board, Ministry of Textiles, Government of India under the control and authority of Scientist –B and Incharge of Central Silk Board, Ministry of Textiles, Government of India, SSPC, CSB, Debinagar, Raiganj, Uttar Dinajpur – 733123.

--Applicant

Versus

1. Union of India, service through the Secretary, Ministry of Textiles, Government of India, Udyog Bhawan, New Delhi – 110011.
2. The Central Silk Board, Ministry of Textiles, Government of India, service through the Member Secretary, CSB Complex, BTM Layout, Madivala, Bangalore – 560068.
3. The Joint Director, the Central Silk Board, Ministry of Textiles, Government of India, service through the Member Secretary, CSB Complex, BTM Layout, Madivala, Bangalore – 560068.
4. The Assistant Director (A&A), Central Sericultural Research & Training Institute, Central Silk Board, Ministry of Textiles, Government of India, Berhampore – 742101, District Murshidabad.
5. The Scientist –D of Regional Sericultural Research Station, Central Silk Board, Ministry of Textiles, Government of India, Kalimpong – 734301.
6. The Scientist –B and In-charge, Silkworm Seed Production Centre (SSPC) under Central Silk Board, Ministry of Textiles, Government of India, Debinagar, Raiganj – 733123.

--Respondents

For The Applicant(s): Mr. P. C. Das, counsel

For The Respondent(s): None

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for the applicant. Ld. counsel for the applicant submitted that he could not serve a copy of the O.A due to urgency, accordingly, this matter is taken up in dispensation of requirement under Rule 11(8) of CAT Procedure Rules, 1987.

2. It is noticed that the applicant on 13.06.2019 represented seeking his retention at Kalimpong, where he has served since June 2010, on the ground that he had undertaken transfers six times earlier, but this time with a new born baby of just one and half months old he was not in a position to join his place of transfer at Raiganj a far away place, which prayer has been rejected by the authorities on 03/07/2019 (Annexure A-5) without assigning any reason whatsoever.
3. Ld. counsel submits that the applicant has been compelled to join the place of transfer but he still desires to be considered for his transfer back to Kalimpong due to compelling family circumstances.
4. Ld. counsel would also submit that DOPT OM dated 30th September 2009 supports his cause, as it envisages that,

"4.(vii) Where one spouse is employed under the Central Govt. and the other spouse is employed under the state Govt.:-

The spouse employed under the Central Govt. may apply to the competent authority and the competent authority may post the said officer to the station or if there is no post in that station to the State where the other spouse is posted."

Citing the aforesaid, Ld. counsel would submit that the wife of the applicant is a State Government employee, for which she cannot be posted out of the State and, therefore, the authority should consider his case sympathetically keeping in view the welfare of the new born child.

However, ld. counsel also admits that no representation has been preferred by the applicant seeking such consideration.

5. Therefore, without entering into the merit of the matter, the present O.A is disposed of at the admission stage itself with liberty to the applicant to prefer a representation to the competent authority within 15 days from the date of receipt of a copy of this order to seek his transfer back to Kalimpong in terms of Para 4(vii) of DOPT OM Dated 30.09.2009, as extracted supra, which if preferred, shall be duly considered and disposed of with a reasoned and speaking order by the said competent authority within one month from the date of receipt of such representation specifying clearly why the applicant would not be entitled to consideration in terms of the DOPT OM (supra), in view of the prevailing circumstances as mentioned.

6. The present O.A accordingly stands disposed of. No costs.

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(Bidisha Banerjee)
Member (J)