

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA



O.A.350/01329/2018

Order dated: 22.07.2019

Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Minoo Targain
Son of Shri Angoo Targain
Aged about 55 years,
Presently posted as Joint Deputy Director
(PIS No. 122773) SIB Kalimpong
Under the Joint Director/ SIB, Kolkata
And residing at SIB office Qtrs. Chandralok
P.O. & P.S. Kalimpong,
Pin - 734 301
And permanently residing at H. No. 8
Toong Soong Tenzing Norgay Road,
P.O. & P.S. & Dist. Darjeeling,
Pin 734 101.

..... Applicant.

Versus

1. Union of India,
Service through the Secretary,
Ministry of Home Affairs,
Government of Home Affairs,
Government of India,
Intelligence Bureau,
North Block, New Delhi - 110 011.
2. Director,
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi - 110 011.
3. The Additional Director / E,
Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi - 110 011.
4. The Joint Director/

Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi – 110 011.

5. The Joint Director,
Subsidiary Intelligence Bureau (SIB),
Govt. of India,
9/1, Gariahat Road,
Kolkata – 700 019.

..... Respondents.

For the applicant : Mr. J.R. Das, Counsel

For the respondents : Mr. P. Mukherjee, Counsel

ORDER (Oral)

Per : Bidisha Banerjee, Judicial Member

This O.A. was heard on 11.09.2018 and the following order was passed on 26.9.2018:

"Aggrieved with his transfer vide order dated 01.08.2017 from SIB, Kalimpong to SIB, Imphal the applicant preferred O.A. No. 1195 of 2017 which was disposed of on 24.07.2018 with a direction upon the respondent No. 2 to issue a reasoned and speaking order on the representation dated 15.0.2017 and till disposal not to compel the applicant to join the place of transfer.

2. On 14.08.2018, an order was issued by the Joint Director regarding his views/observations on the factual position as highlighted in the representation. In regard to the applicant's request for permission for DIB Darbar to redress his grievance, the Joint Director has opined that the request for Darbar may be considered after joining the new place. His prayer for consideration on the ground of old aged bed-ridden father and ailing wife which he mentioned in his representation, was not accepted as the report of SIB, Kalimpong confirmed that since his joining on 12.06.2014 till date, he had not accompanied his father at Kalimpong. His retention on the ground of son's examination in 2018 was also not found tenable as the examination was already over.

3. In view of the reasoned and speaking order as issued by Joint Director and in absence of any pressing reasons, the prayer for stay of transfer is rejected. However, the applicant upon joining the new place may seek consideration for his transfer back to Kalimpong. His transfer shall abide by the result of this application. Respondents are directed to file reply within 4 weeks. Rejoinder if any, by 2 weeks thereafter. List on 11.12.2018."

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2. It is no one's case that the applicant challenged such order, or the order was stayed by a higher forum or that he had not joined at Imphal.

3. The reply filed on 17.12.2018, only talks about his right to challenge the speaking order when the

the applicant has already joined SIB Imphal on 28.9.2019.

4. The O.A., therefore, is disposed of as infructuous.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

drh

