

21st May, 2025
(D/L No.31)
Ct. No.4
(SKB)

W.P.C.T.46 of 2025
With
IA NO: CAN 1 of 2025

Union of India and others
Versus
Soumi Parbat

Ms. Chandrayee Alam,
Mr. Tapan Bhanja
....for the petitioners.

Mr. Samim Ahammed,
Ms. Ambiya Khatun
... for the respondent.

1. The Union of India has assailed the interim order passed by the Central Administrative Tribunal, Kolkata (in short 'Tribunal') in O.A. No.133 of 2025staying the operation of the petitioner's transfer order dated 29.11.2024 and the impugned speaking order dated 03.01.2025.
2. The learned counsel for the Union of India and the learned counsel for the applicant/respondent have made submissions in respect of the said order.
3. The learned counsel for the respondent has drawn our attention to the factual background in which the reasoned and speaking order has been passed.

4. The applicant before the Tribunal assailed her inter command transfer from Kolkata to Guwahati claiming benefits of one office memorandum dated 30.09.2009 and a transfer policy dated 28.03.2014. Based thereupon she claimed an exemption from the transfer raising an issue regarding her spouse being serving an autonomous organization falling under a Ministry of the Union of India; and on the grounds of her ageing and infirm parents requiring her care.
5. The Tribunal after considering the matter in O.A. No.1842 of 2024, passed the following order dated 05.12.2024:
 - “6. Ld. Counsel for the respondents has no objection to such consideration.
 7. In view of the above, Respondent No.2 is directed to consider the exemption proforma/representation of the applicant treating this O.A. as part of it in the light of their transfer policy and communicate his decision by way of a reasoned and speaking order within a period of 04 weeks from the date of receipt of the order.
 8. Accordingly, the O.A. stands disposed of at admission stage. There shall be no order as to costs.”
6. In terms of the order passed by the Tribunal, a speaking order has been passed on 03.01.2025 by the Deputy C.G.D.A.(Admn.).
7. The respondent’s claim has been rejected bringing her to the Tribunal once again by filing

O.A.No.133 of 2025 wherein the impugned stay order has been passed.

8. The learned counsel for the applicant/respondent submits that in spite of an opportunity being given to the Union of India to consider the claim and an order in respect of the applicant's claim to be passed by the respondent no.2 before the Tribunal i.e. C.G.D.A., the consideration has been accorded by a subordinate authority, namely the Deputy C.G.D.A.(Admn.).
9. The present respondent's counsel points out that the order of the Tribunal, extracted above, was passed on consent of the respondents before the Tribunal. Having failed to comply with such order, the writ petitioners cannot assail the order of the Tribunal granting stay of the order of the Dy. C.G.D.A.(Admn.), passed in violation of the Tribunal's order.
10. We do not wish to make any comment on the correctness of such submissions since after some arguments and being faced with the above noted circumstances, the learned counsel for the petitioners has made a submission that after consideration in terms of the Tribunal's earlier order dated 05.12.2024, an order will be passed

by the respondent no.2, C.G.D.A. and be placed by the Union of India before the Tribunal.

11. We would only observe that nothing prevents the petitioner from placing such an order before the Tribunal, since the matter is still pending before the Tribunal. At this stage, we do not wish to make any comment on the merits of the matter.
12. The observations of the court recorded above shall not have any persuasive value either way.
13. Reserving the liberty of the petitioners to take steps before the Tribunal, as per submissions and observations recorded above, we dispose of the writ petition.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)