

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 045/00083/2020

Date of Order: This, the 05^h day of March 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Shri Taizuddin Ahmed
 Son of Late Asman Ali
 Skilled Work Assistant
 Tuting Site
 Upper Brahmaputra Division
 Central Water Commission
 Post Office-Tuting
 Pin – 791105, Arunachal Pradesh.

...Applicant

By Advocates: Sri Adil Ahmed, Smt. Doli Goswami,
 Ms. Alnu Theyo and Ms. Livika Kiba

-Versus-

1. The Union of India
 Represented by the Secretary
 To the Government of India
 Ministry of Water Resource
 New Delhi, Pin – 110001.
2. The Superintending Engineer
 Central Water Commission
 Hydrological Observation Circle
 CWC, Complex, Behind Adabari Bus
 Terminus, Adabari, Guwahati
 Pin Code – 781014.

3. The Executive Engineer
Central Water Commission
Upper Brahmaputra Division
Dibrugarh, Jibon Phukan Nagar
Post Office – C.R. Building
Pin – 786003, Assam.

...Respondents.

ORDER (ORAL)

MANJULA DAS, MEMBER (J)



This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “8.(i) To direct the Respondents particularly Respondent No. 2 to modify the transfer order dated 03.12.2019 in case of the applicant by transferring him at any of his 3 (Three) Choice Station i.e. (i) Pagladia Site, (ii) Puthimari Site and particularly in Nalbari Sub-Division (Pagladiya and Puthimari Sub-Division) wherein one post of SWA will be vacant due to retirement of the incumbent on 29.02.2020.
- (ii) To pass any other relief (s) to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- (iii) To pay the cost of the application.”

3. Sri Adil Ahmed, learned counsel appearing on behalf of the applicant submits that the applicant is working as Skilled Worked Assistant (SWA), CWC at Tuting Site. After completion of 05 years of service at

Tuting site, he had submitted representation on 18.07.2018 before the respondent No. 2 by giving three choice place of station i.e. (i) P.P. Sub-Division, (ii) Pagladiya Site and (iii) Puthimari Site for his transfer from Tuting Site under Upper Brahmaputra Division, CWC. Thereafter, the Superintending Engineer, Central Water Commission, Hydrological Observation Circle, Guwahati i.e. respondent No. 2 had issued the transfer order dated 03.12.2019 by which the applicant was transferred to Suklai under Middle Brahmaputra Division, CWC against the incumbent Md Jalil Ali, SWA without considering any of his choice three stations. Hence the instant O.A. has been filed for modification of his transfer order from Suklai to any of this 03 choice station (supra) as per existing Circular in force, wherein one post of SWA is lying vacant due to retirement of the incumbent on 29.02.2020.



4. Heard Sri A. Ahmed, learned counsel for the applicant. Perused the pleadings and materials placed before us as well as impugned order dated 03.12.2019.

5. As the representation dated 18.07.2018 for choice posting is pending before the respondent No. 2,

as such, without going into the merit of the case as well as without issuing notice to the respondents, with the consent of the learned counsel for the applicant, we deem fit and proper to direct the respondent authorities dispose of the same within a time frame. Accordingly, respondent No. 2 is hereby directed to dispose of the representation dated 18.07.2018 as per existing Circular in force, within a period of two months from the date of receipt copy of this order.



6. It is made clear that whatever decision to be passed by the respondent No. 2 shall be a reasoned and speaking and to be communicated to the applicant forthwith.

7. With the above direction, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)