



CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH JABALPUR

Original Application No.200/256/2020

Jabalpur, this Friday, the 13th day of March, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER

Alok Kumar Gupta, S/o Shri K.L. Gupta, Date of Birth, 07.05.1967
 Occupation UDC R/o House No.17 State Bank Colony, Gorakhpur Jabalpur
 482001 (M.P.)

-Applicant

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Union of India, Through its Secretary, Central Public Work Department Nirman Bhawan, New Delhi 110001
2. The Director General Govt. of India, Central Public Work Department Nirman Bhawan, New Delhi 110011
3. The Executive Engineer (Coordinator) Western Region CPWD 3rd Floor New CJO Building 48 New Marine Lines, Mumbai 400020 (Maharashtra)
4. The Executive Engineer, Jabalpur Central Division CPWD Survey of India, Colony Type IV Quarter No.3 & 4 Vijay Nagar Jabalpur (M.P.) 482002
5. Shri S.K. Barapatre Through Competent Authority Chief Engineer Western Zone II Nagpur Maharashtra 440013

- Respondents

(By Advocate –**Shri S.P. Singh**)



ORDER (ORAL)

The applicant has been transferred from Jabalpur to Raipur vide order dated 30.01.2020 (Annexure A/1).

2. The applicant has submitted his representation dated 31.01.2020 (Annexure A/5) in which it has been stated that his daughter is a student of Class 12th (CBSE). Secondly, one Shri Ashok Kumar Sonkar, UDC has superannuated on 31.01.2020, therefore, the applicant can be adjusted against the said post.

3. Applicant has prayed for the following interim relief:-

“As an interim measure this Hon’ble Tribunal may kindly be pleased to stay the effect and operation of the impugned transfer order dated 30.01.2020 (Ann. A/1) and the applicant be permitted to continue at his present place of posting during the pendency of the lis in the interest of justice.”

4. Learned counsel for the respondents submits that this transfer order has been issued in pursuance of restructuring and reorganization of CPWD and therefore this is in administrative interest and therefore he vehemently opposes the prayer for grant of interim relief. He brought my attention to terms and conditions of the said order, which reads as under:-

“2. Officer should be relieved by their controlling officer immediately after issue of order without waiting for substitute.”



5. Learned counsel for the applicant submits that the applicant has not yet been relieved and nobody has taken over charge from him. He also submits that most of 122 employees included in the impugned order have been adjusted at the same place.

6. In the above circumstances, this Original Application is disposed of with a direction to the competent authority of the respondents to consider and decide the applicant's representation dated 31.01.2020 (Annexure A/5), if not already decided. Till such time representation is decided, the applicant shall be allowed to continue to work on the same place of posting, if not already relieved.

7. Needless to say that this Tribunal has not commented on the merits of the case.

(Navin Tandon)
Administrative Member

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