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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1351 of 1997

New Delhi, this the 4th day of June, 1997

Hon'ble Mr. N. Sahu, Member (A)

Shri Satbir Singh, 119 DA Flats, Phase IV,  
Ashok Vihar, New Delhi-52 - Applicant  
(By Advocate : Shri R.D.Sharma)

Versus

1. Lt. Governor of Delhi Through Principal  
Education Secretary, Government of NCT  
of Delhi, Old Secretariat, Delhi
2. The Director of Education, Government of  
NCT of Delhi, Old Secretariat, Delhi
3. Principal, Sarvodaya Vidyalaya No.1,  
Ludlow Castle, Rajniwas Marg, Delhi - Respondents  
(None for respondents)

ORDER (Oral)

Hon'ble Mr. N. Sahu, Member (A)-

The brief facts are that the applicant and his colleague Smt. Nirmala were both transferred. The applicant was transferred to Government Co-education Ludlow Castle Manju-ka-Tilla, Delhi and his colleague Smt. Nirmala was transferred to Sarvodaya Vidyalaya (Girls), Burari, Delhi. Subsequently on the representation of Smt. Nirmala her order of transfer dated 10.1.1997 was cancelled and later on by order dated 21.4.1997 Smt. Nirmala was transferred to Government Girls Senior Secondary School, Nicolson Road. In compliance to the order dated 20.1.1997 the applicant had joined at Govt. Co-ed. Ludlow Castle, Manju-ka-Tilla, Delhi. The applicant had sent a representation to the respondent no.1, Principal Education Secretary. The representation is dated 26.5.1997. This representation is recent and has not been disposed of. The Hon'ble Supreme Court in the case of Gujarat Electricity Board Vs. Atmaram Sungomal Poshani, 1989(1)ATC 396=1989(2)SCC 602

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has held that the applicant should in the event of his transfer avail the remedy of representation to the competent authority stating his grievances and problems and it is for the competent authority to consider and dispose of the representation. This virtually has taken the role of an alternative remedy. Till this representation is disposed of, this Original Application cannot be entertained.

2. The grievance of the applicant is that his lady colleague Smt. Nirmala had injured his feelings by using unparliamentary language and her transfer initially was cancelled and he apprehends that her subsequent order of transfer to Govt. Girls Senior Secondary School, Nicolson Road, might also be cancelled because of her influence with the political powers.

3. It is premature at this stage to go into the merits of the claim. It is important that the representation before the respondent No.1 should be disposed of and he shall do so within a period of four weeks from the date of receipt of a copy of this order.

4. The learned counsel for the applicant has stated that he has prayed for two interim reliefs. The first interim relief prayed for is to stay the impugned orders dated 20.1.97 and 21.4.97. After the applicant had joined the new post and since a representation is pending, the question of stay does not arise. The first prayer is, therefore, rejected. The next interim prayer is that four months' salary from February, 1997 to May, 1997 shall be released to the applicant. The respondents shall consider the same and within three weeks from the date of receipt of a copy of this order release the salary to the applicant; if such a release is not contrary to rules,

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they shall communicate a speaking order within this period.

5. The application is disposed of. The parties shall bear their own costs.

*Narasimha*  
( N. SAHU )  
Member (A)