

Central Administrative Tribunal
Principal Bench: New Delhi

29

OA 658/97

New Delhi this the 21st day of March 1997.

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

Shri P.S. Jagarwal
Flat No.40-C, Pocket-A
Mayur Vihar Phase-II
New Delhi.

...Applicant

(By advocate: Shri H.K.Gangwani)

Versus

1. The Secretary
Ministry of Human Resource Development
Shastri Bhawan
New Delhi.

2. Director General of Archives
Government of India
National Archives of India
Janpath, New Delhi.

...Respondents.

(By advocatee: None)

O R D E R (oral)

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

Heard Shri H.K.Gangwani, learned counsel for the
applicant.

In this application, the applicant prays to quash the impugned order of transfer dated 31.7.96 by which the applicant working in the National Archives of India, Janpath, New Delhi is transferred to National Archives of India, Record Centre, Pondicherry. It is submitted that the applicant suffers from tuberculosis and is under treatment at Delhi. His aged father is 90 years and is living with his son. A representation dated 5.8.96 highlighting his personal grievances and difficulties was



addressed by the applicant to the Director General of Archives, New Delhi - Respondent No.2.. The said representation has not been disposed of so far. Hence this petition.

2. The Supreme Court held in Gujarat Electricity Board Vs. Atmaram Sungomal Poshani (1989) 1o ATC 396: (1989) 2 SCC 602: 1989 SCC (L&S) 393 that against a transfer order, the affected official has a right to represent and expects the representation to be considered by the competent authority. In view of the law laid down by the Supreme Court, I direct the respondent No.2 to dispose of the representation within three weeks from today. Till the representation is disposed of, the impugned order at Annexure A-1 shall not be implemented. If needed, respondent No.2 shall give an opportunity to the applicant of being personally heard in the matter. The application is disposed of as above.

Narasimha
(N. Sahu) 21.3.97

Member (A)

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