

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 2381/2000

Hon'ble Shri Govindan S. Tampi, Member (A)

17th January, 2002

Sh. H.K. Samaddar,
S/o Lt. Sh. R C Samaddar,
Working as Finance & Accounts Officer,
I.C.A.R. (HQ)
New Delhi - 110 001

.....Applicant

(By Sh. M.K. Gupta, Advocate)

VERSUS

1. Indian Council of Agriculture & Research,
through its Secretary,
Krishi Bhawan,
Dr. Rajendra Prasad Road,
New Delhi- 110001.

2. Sh. R S Prasad,
Financial Advisor,
Dept. of Agricultural Research & Education,
Krishi Bhawan,
Dr. rajendra Prasad Road,
New Delhi -110001

.....Respondents

(By Sh. V.K. Rao, Advocate)

O R D E R (ORAL)

Heard both the learned counsel - Shri M.K. Gupta
for the applicant and Sh. V K Rao, for the respondents.

2. What is under challenge in this OA, is the
order of transfer of the applicant, a Finance and Accounts
Officer, with the respondents' organisation. The
Applicant
Shri who joined as Jr. Clerk in ICAR in May 1977,
became a Jr. Stenographer in April, 78, Stenographer in
September '79, Supdt. (Audit & Accounts) and later Asstt.
Finance and Accounts Officer in '91, Finance & Accounts
Officer in August, '95, in CIAE, Bhopal and was transferred
to IVRI, HSADL, Bhopal, on 1.1.99. He was posted to ICAR

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HQrs on 8.1.99. On 4.8.2000, he has been posted to IASRI. While the applicant agrees that he was liable to be posted to any Institute/Centre of ICAR, he is aggrieved that he has been transferred thrice in a period of one and half years. His representation against the transfer had not been entertained though it was malafide, against the guidelines and someone else had sought a transfer to IASRI. He had also made a representation to SC/ST Commission who have endorsed the same but on account of the animus of the respondent No. 2 - Financial Advisor - his request has not been acceded to. He therefore seeks the intervention of the Tribunal.

2. ~~Want~~

3. Appearing for the respondents, Sh. V K Rao learned counsel avers that the applicants' transfer was legal and regular and in accordance with the guidelines and that the same was not at all malafide. He also points out that the transfer was not made by respondent No.2 but by the competent authority. At the same time, in his counter affidavit, respondent No.2 had asserted his right to effect the transfers.

4. During the personal submissions, it was pointed out by Sh. ^{N.K.} ~~Learned Counsel for the applicants~~ Gupta, that as the individual who was respondent No.2, has been transferred, and the DG, ICAR has indicated to SC/ST Commission, that he would consider the applicant's fresh representation. In the circumstances, he requested for permission to withdraw the OA and move the respondents once again and await the result, with liberty to come up again, if he is still aggrieved.

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5. Noting the above, I grant the request of the learned counsel for the applicant and dismiss the OA as withdrawn, with liberty to move in the matter, in accordance with law, and as advised. No costs.

(Govindan S. Tampi)
Member (A)

Patwal/