

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.226/2020

This the 14th day of August, 2020

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Shri Samaysingh, S/o. Shri Badriprasad Meena
Aged 52 year, serving as Senior Divisional Account Officer
in the office of the respondents.
Resident at Quarter No.14, 'C' Block, Home Guards Officers Colony,
Opp. Race Course Garden Gate,
Race Course Road, Rajkot 370 001. **Applicant**
(By Advocate : Shri M.S.Trivedi)

VERSUS

1. Union of India,
Notice to be served through
The Comptroller & Auditor General,
O/o. CAG, Govt. of India, 9, Deendayal Upadhyay Marg,
New Delhi 110 124.
2. The Principal Accountant General (A&E),
O/o. Pr. AG (A&E),
Nr. Ishwar Bhavan, Navrangpura,
Ahmedabad 380 009.
3. Executive Engineer,
Rajkot Irrigation Project Division,
3/5, Jilla Seva Sadan No.2,
Rajkot – 360 001. **Respondents**

O R D E R – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, the applicant has contended that initially, he was working as Senior D.A.O. at R&B Division, Godhra and vide Order dated 20.6.2019, the Deputy Accountant General (A&E) i.e. the respondent No.2 transferred the applicant and posted him at Irrigation Project Division, Rajkot on the recommendation of the Transfer

Committee nominated by the Principal Accountant General (A&E) Gujarat Branch, Ahmedabad for Annual General Transfer of the Divisional Accountants' cadre for the year 2019.

2. It is the grievance of the applicant that as per the circular No.WM-I/1 dated 24.4.2019 (at page 14 of the OA), the Senior DAO are entitled for Very Heavy divisions. Counsel for the applicant has submitted that option/ preference of the division for the posting of the applicant has been made, however, the same has not been considered nor violated the guidelines stipulated in the said circular and the respondents have transferred the applicant to Irrigation Project Division, Rajkot, which according to the applicant is Very Heavy division and most of the work in the said project has been completed and there seems no very heavy work but only routine type of work remains to be done. Therefore, he has submitted representation dated 29.11.2019 and requested to the competent authority to transfer him to other division in the general transfer for the year 2020. It is the grievance of the applicant that the said representation remained unanswered. Hence, this OA.

3. It is also apprehension of the applicant that on one hand, the respondents have kept his representation dated 29.11.2019 pending consideration and on the other hand, they are not issuing another circular for the general transfer for the year 2020, which will deprive the right of the applicant to get place him in the seniority list of Sr. DAO and therefore, eligible to get heavy division as per the circular dated 10.6.2020 (Annexure A-4).

4. Heard Shri M.S.Trivedi counsel for the applicant at length and perused the materials available on record.

5. It is the notice that vide circular dated 24.4.2019 (page 14 of the OA) whereby certain guidelines/ instructions were issued by the respondent No.2 along with list of divisions likely to be vacant (AGT-19) wherein Irrigation Project Division, Rajkot has been placed at S1. No.2 in the list of Very Heavy division. It is also noticed that while the applicant was working as Sr.DAO at R&B Division, Godhra, he was transferred to Irrigation Project Division, Rajkot vide Order dated 20.6.2019. Therefore, it cannot be said that the respondents have posted the applicant to medium or light division than that of his entitlement. However, the applicant has raised certain grievances in his representation dated 29.11.2019 against his transfer and posting, which according to him is yet not decided by the respondents.

6. Without entering into merit of the claim of the applicant in his representation dated 29.11.2019, we dispose of this OA with a direction to the competent authority to consider and decide the pending representation of the applicant, if any, yet not decided, within period of thirty days from the date of receipt of a copy of this order.

7. The OA stands disposed of accordingly. No order as to costs.

**(A.K.Dubey)
Member (A)**

**(J.V.Bhairavia)
Member (J)**

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