

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 330/00677/2020

Allahabad this the 25th day of November, 2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A**

Chotu Kumar aged about 28 years Son of Shri Sachin Patel Working as Substitute TADK
R/o Bhikharipur, DLW, Varanasi - 221005.

Applicant

**By Advocates: Mr. Pradeep Kumar Mishra
Mr. Rajesh Kumar**

Vs.

1. Union of India through General Manager, Diesel Locomotive Works (DLW), Varanasi.
2. General Manager, Diesel Locomotive Works (DLW), Varanasi.
3. General Manager (P), Diesel Locomotive Works (DLW), Varanasi.
4. Assistant Personnel Officer (Employee), Diesel Locomotive Works (DLW), Varanasi.

Respondents

By Advocate: Mr. Girijesh Kumar Tripathi

O R D E R

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

S/Shri P.K. Mishra, Rajesh Kumar, learned counsels for the applicant are present in court whereas Shri Girijesh Kumar Tripathi, learned counsel for the respondents is present online. Hearing conducted through Video Conferencing.

The learned Counsel for the parties agreed that the audio and visual quality is proper.

2. Heard on the point of admission and perused the records available in the PDF.

3. At the very outset, learned counsel for the applicant submitted that as the applicant has been transferred against the policy of department and his representation, filed earlier, has been rejected without considering all these facts, the applicant may be permitted either to file a fresh representation or the instant O.A. may be treated as his representation and a direction may be issued to respondent No. 2 to decide it by a reasoned and speaking order in a time bound manner.

4. Learned counsel for the respondents has no objection to this limited prayer made by the applicant's counsel. However, he has contended that one more representation dated 30.10.2020, filed earlier by the applicant, which is still pending, clearly shows that the applicant has given his consent for transferring him to New Delhi.

5. In reply, learned counsel for the applicant submitted that according to policy, there must be a written request of the employee concerned to transfer him and there is clear difference between a written request and the consent for his transfer given by an employee, under pressure, as in the present case.

6. Be that as it may, in view of the limited prayer made by the applicant, as mentioned above, no fruitful purpose will be served in keeping this matter pending. Accordingly, the O.A. is disposed of at the admission stage, with a direction to respondent No. 2 to treat this O.A. as a representation of the applicant and to decide it, in accordance with law and also in accordance with TADK policy,

within a period of three months from the date of receipt of a certified copy of this order along with copy of this O.A.

7. For a period of three months or till the decision of the representation, whichever is earlier, the applicant shall not be relieved from his present posting. It is further directed that after disposal of the representation, the respondents will communicate the decision to the applicant forthwith.

8. It is made clear that we have not expressed any view on merits of the case.

9. No order as to costs.

10. Hon'ble Mr. Devendra Chaudhry, Member (A), has given his consent on this order during virtual hearing in open court.

(Devendra Chaudhry)
Member-A

(Justice Vijay Lakshmi)
Member-J

/M.M/