

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00025/2021

Jabalpur, this Tuesday, the 12th day of January, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Anupam Kumar Gupta, S/o Shri Ram Kumar Gupta
 DOB 07.04.1984, Working as Sr. Auditor, R/o 419/2A,
 Near Chouhan House, Adarsh Nagar, Sipari Bazar,
 Jhansi (UP)-284003 -Applicant

(By Advocate – **Shri Vijay Tripathi**)

V e r s u s

1. Union of India, through its Secretary,
 Ministry of Defence (Finance), 139 South Block,
 New Delhi 110001
2. Controller General of Defence Accounts,
 Ulan Batar Road, Palam Delhi Cantt., New Delhi- 110010
3. Controller of Defence Accounts, Ridge Road,
 Jabalpur 482001 (M.P.) - Respondents

(By Advocate – **Shri N.K.Mishra**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed whereby the applicant is calling in question the legality validity and propriety of the order dated 03.12.2020 (Annexure A-1), whereby the applicant has been transferred from Local Audit Officer (Army), Bhopal to Pay Accounts Office (Other Ranks)

MRC, Sagar. The applicant is also challenging the order dated 28.12.2020 (Annexure A-2), whereby the representation has been rejected by the respondents.



3. The main grounds for challenge in this Original Application is that Annexure A-1 is without assigning any reasons and Annexure A-2 is that where the representation of the applicant has been rejected without any reasons and without application of mind.

4. The further ground for challenge is that the applicant was not permitted to complete his three years normal tenure of office and the applicant had been transferred vide order dated 09.08.2018 at Bhopal vide Annexure A-4. The applicant submits that against the transfer order Annexure A-1 the applicant had made representation dated 04.12.2020 (Annexure A-6) but the respondent department has rejected the representation of the applicant vide impugned order dated 28.12.2020 (Annexure A-2) which is not a reasoned and speaking order.

5. We have perused Annexure A-2 dated 28.12.2020 and we do not find even a single reason assigned in the order rejecting the representation of the applicant, and it is very clear that this order is not a speaking order itself.



6. It has been further submitted by the applicant that after this impugned order the applicant had made detailed representation vide Annexure A-7 dated 05.01.2021 which is still pending.

7. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide Annexure A/7 in a time bound manner.

8. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

9. We have considered the matter and we are of the view that the natural justice will be met if the competent authority of the respondents are directed to decide the representation dated 05.01.2021 (Annexure A/7) in a time bound manner.

10. Resultantly, the competent authority of the respondents is directed to decide the applicant's representation dated 05.01.2021 (Annexure A/7) within a period of six weeks after receiving the copy of this order.

11. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in the representation filed at Annexure A-7.

12. With these observations, this Original Application is disposed of at admission stage itself.

13. In the meanwhile, the applicant shall be allowed to work at Local Audit Officer (Army), Bhopal.



(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member