

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00322/2020

Jabalpur, this Monday, the 22nd day of June, 2020

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



Om Prakash Kumhar S/o Shri Guvindi Kumhar Aged about 51 years R/o LIG-38 Nehru Nagar, Near Police Line Ground, Kotra Sultanabad, Bhopal (M.P.) 462003 Occupation: Working as Divisional Accounts Officer-I in the office of Executive Engineer, PWD New Division Bhopal (M.P.)

-Applicant

(By Advocate – **Shri Samdarshi Tiwari**)

V e r s u s

1. Comptroller and Auditor General of India, Pocket-9 Deen Dayal Upadhyaya Marg, New Delhi 110124
2. Principal Accountant General of Madhya Pradesh (A&E)-I Lekha Bhawan, Jhansi Road, Gwalior (M.P.) 474002
3. Deputy Accountant General of M.P. (Works Account) Branch office of Principal Accountant General of MP 53 Hoshangabad Rd, Arera Hills Bhopal (M.P.) 462011
4. The State of Madhya Pradesh Through the Principal Secretary, General Administration Department Vallabh Bhawan, Bhopal (M.P.) 462004
5. Executive Engineer, Public Works Department New Bhopal Division 27-28 Nirman Bhawan, Arera Hills Bhopal (M.P.) 462004
6. Shri Pawan Kumar Vijay Posted as Divisional Accounts Officer -1 Through the Executive Engineer Water Resource Division Chhatarpur (M.P.) 471001

7. Shri Bhaskar Choubey Posted as Divisional Accounts Officer -1 Through the Executive Engineer Public Works Department, B/R Division-1 Sidhi (M.P.) 48661

8. Shri Kirodilal Meena Posted as Divisional Accounts Officer -1 Through the Executive Engineer Water Resource Division Sheopur (M.P.) 476337

9. Shri Shaktibardhan Posted as Divisional Accounts Officer - 1 Through the Executive Engineer Wainganga Division of Water Resource Department, Balaghat (M.P.) 481222



10. Shri Anup Kumar, Posted as Divisional Accounts Officer - 1 Through the Executive Engineer Upper Poorva Canal Division of Water Resource Department Rewa (M.P.) 486001

11. Sanjay Kumar Sinha, Posted as Divisional Accounts Officer -1 in the office of Executive Engineer Public Works Department New Bhopal Division Bhopal (M.P.)-462004

- Respondents

(By Advocate – **Shri P.Shankaran Nair**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. Through this Original Application the applicant is challenging the order dated 05.06.2020 and 11.06.2020 (Annexure A-7 & A-10), whereby the applicant has been transferred from Bhopal to Morena (page 27)

3. The main grounds for challenging the impugned action of the respondents are that the action of the respondents is contrary to the policy of the Govt. for transfer.

4. It has been specifically submitted by the counsel for the applicant that the options were exercised by the applicant but the respondents has transferred the applicant to other places and has not considered the place for which the options has been exercised.



5. The representation was made by the applicant against the said transfer order and has raised some of the points in the representation. Vide Annexure A-10 dated 11.06.2020 the respondent-department has rejected the representation.

6. We have perused the impugned order dated 11.06.2020 (Annexure A-10) and we do not find any reasons and from the face of it itself is not a speaking order at all. The Hon'ble Apex Court has repeatedly held that the reasons are the heartbeat of the action taken by the respondents. But in this Annexure A-10 we do not find any reasons and no speaking order has been passed by the respondents. So on the face of this, Annexure A-10 itself is illegal.

7. It is also admitted fact that the applicant has given the option as per the policy and it is incumbent on the part of the

respondents to consider the case of the applicant as per Annexure A-5.

8. In view of the above, we have no hesitation to quash the order dated 11.06.2020 (Annexure A-10) at the admission stage itself as it is not a reasoned and speaking order.



9. Resultantly Annexure A-10 dated 11.06.2020 passed by the respondents is quashed and set aside. The respondents may pass the fresh order and dealt with all the points raised in the representation dated 09.06.2020 (Annexure A-9) by passing a reasoned and speaking order within a period of 10 days from today.

10. With this observation this Original Application is finally disposed of at the admission stage itself.

11. Needless to say that the respondents shall not take any coercive action against the applicant till the representation is finally decided.

(Naini Jayaseelan)
Administrative Member
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(Ramesh Singh Thakur)
Judicial Member