

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00130/2020

Date of decision: 29.07.2020

CORAM

HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Mangi Lal Bishnoi S/o Sh. Mohal Lal Bishnoi, aged about 36 years, R/o Outside Mahi Gate, Rathori kua Road, Nagaur-341001. Presently working on the post of Postal Assistant at Head Post Office, Nagaur, Rajasthan.

.....Applicant

By Advocate: Mr. S.K. Malik, present, through VC.

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Postmaster General, Rajasthan Western Region, Jodhpur-342001.
3. The Superintendent of Post Office, Nagaur-341001.
4. Sh. Mahesh Chand Meena, Superintendent, Nagaur Division, Nagaur-341001.

.....Respondents

By Advocate: Mr. B.L. Tiwari, present, through VC.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Shri S.K. Malik, learned counsel for the applicant, present, through VC. Shri B.L. Tiwari, Senior Central Government Standing Counsel, present, through Video Conferencing after getting an advance notice on behalf of the respondents.

2. It is the contention of the learned counsel for the applicant that the applicant, who is a handicapped person with 70% disability appointed on the post of Postal Assistant against handicapped quota, has been transferred from Nagaur to Gotan vide order dated 10th June, 2020 (Annexure-A/1). Counsel for the applicant states that wife of the applicant is also a handicapped person with 60% disability, working with the Government institution as Teacher. He emphasized that the applicant is holding the post of Secretary in the Employees Union and the Persons With Disabilities Act and DoP&T's OM gives him certain privileges of not to be transferred.

3. Counsel for the applicant also states that in this COVID-19 Pandemic situation the Government has exempted the handicapped persons for being present in

their respective offices. In this situation, the respondents have transferred the applicant from Nagaur to Gotan, which is arbitrary, illegal and against the DoP&T Guidelines. The counsel for the applicant states that in this regard, he preferred a representation, to which the respondents have passed the impugned order i.e. Annexure-A/2 dated 13th July, 2020.

4. We have seen the order dated 13th July, 2020 (Annexure-A/2) and found that while passing the impugned order dated 13th July, 2020, the respondents have failed to give any reason why they have rejected the representation of the applicant for not transferring him from Nagaur to Gotan. As per our opinion, the order dated 13th July, 2020 is not at all reasoned order, moreso it is a cryptic order.

5. It is also noted that the Government itself due to the COVID-19 Pandemic situation has exempted the employees with disabilities from attending the offices, hence, in this situation, the counsel for the applicant states that transfer of the applicant is highly illegal, arbitrary and violative of the instructions issued by the Government of India.

6. Counsel for the respondents states that the applicant is staying in the same place for long 10 years and in the

exigency of service, he has been transferred from Nagaur to Gotan.

7. We feel that the present situation is different from the normal situation and also there is some protection given by the Government to the disabled persons. Accordingly, we feel that the order passed by the respondents rejecting the representation of the applicant dated 13th July, 2020 cannot be sustainable in the eyes of law being cryptic in nature, hence, quashed.

8. At this stage, counsel for the applicant states that the applicant wants to prefer a fresh representation to the respondents stating all his grievances, and the respondents may be directed to pass fresh order with reasons within 15 days thereafter, to which learned counsel for the respondents is also having no objection.

9. Accordingly, the applicant is directed to prefer a fresh representation to the respondents stating all his grievances within seven days from the date of receipt of certified copy of this order and after receiving the fresh representation of the applicant, the respondents are directed to pass a detailed reasoned and speaking order within a period of 15 days. Till the decision is not taken on the representation of

the applicant, the respondents are directed not to force the applicant to join his new place of posting i.e. Gotan.

10. With the above direction, the OA is disposed off at the admission stage itself without commenting anything on the merits of the case.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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