

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2020/2004

(2)

New Delhi this the 23rd day of August, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

Shri Rohtash Kumar Sharma,
S/o Sh. I.C. Sharma,
R/o B-586, Delhi Admn. Flats,
Timarpur, Delhi-110 054.

-Applicant

(By Advocate Shri S.K. Gupta)

-Versus-

1. Govt. of NCT of Delhi,
through Chief Secretary,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-110 002.
2. Principal Secretary (Finance),
Govt. of NCT of Delhi,
Delhi Secretariat,
Players Building, I.P. Estate,
New Delhi-110 002.
3. Director of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi-110 054.
4. Shri A.K. Trivedi,
Office Superintendent,
Establishment-I,
Education Department,
Old Secretariat,
Delhi-110 054.

-Respondents

ORDER(Oral)

Learned counsel heard.

2. Applicant has challenged Annexure A-1 dated 20.8.2004 by which he has been transferred to Adult Education Branch of DTE Population Education which is stated to be at a distance of around 30 Kms from applicant's place of residence, i.e., Timarpur. His present place of work is stated to be only 2-3 Kms from his residence. Vide Annexure A-2, it has been certified that applicant has 80% physical permanent disability and that he cannot travel without the assistance of an escort. It has further

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(3)

been stated that while previously applicant's transfer dated 21.6.2004 (Annexure A-8) and cancellation thereof vide Annexure A-9 dated 5.7.2004 were made after prior approval of the competent authority, the impugned orders have been passed by Superintendent (E-I), who is not the competent authority. The competent authority is Directorate of Education. Learned counsel also stated that no orders of a substitute in place of the applicant have been made by the respondents.

3. In the facts and circumstances of the case as pleaded before me, in my view, this OA can be disposed of with a direction to respondents to consider this OA as a representation on behalf of the applicant, in the interest of justice, while the rights of the respondents shall not be affected, by passing a detailed and speaking order within a period of one month from the date of communication of these orders.

4. It is further directed that status quo as of today be maintained till disposal of applicant's representation as stated above. Ordered accordingly.

V.K. Majotra
(V.K. Majotra) 23.8.04
Vice Chairman (A)

cc.