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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 15.07.92.

OA 649/92

BAL KRISHAN ANAND

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... MRS. MEERA CHHIBBER.

For the Respondents ... MRS. RAJ KUMARI CHOPRA.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J)).

The applicant is working as Assistant Director in DGS&D and is proposed to be transferred by the impugned order dated 28.2.92 to the Deptt. of Science & Technology, Mehrauli. In this application, the applicant has prayed the relief that the said order of transferring the applicant from DGS&D to the Deptt. of Science & Technology be quashed and set aside.

The respondents, in their reply have opposed the various averments made in the application

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contending that the transfer has been made purely on administrative grounds. It is taken as a preliminary objection that the applicant has not exhausted departmental remedy before assailing this order of transfer and obtained a stay order stating facts, which are untrue.

There is an interim direction to the respondents staying this transfer order. In this interim order dated 10.3.92 there is a mention of certain ill health of the applicant and also that the applicant cannot pull the weight of the work if he is posted on a post which requires the discharge of strenuous duty.

Mrs. Raj Kumari Chopra subsequently appeared on behalf of the respondents. However, since the application is premature in the sense that the applicant has not made any representation against this transfer order and has not exhausted the departmental remedies available under Section 20 of the Administrative Tribunals Act, 1985, so the application is disposed of in the following manner:-

The applicant shall make an effective representation within a week from today stating the grounds including that of his ill health and chronic diabetes for not effecting his transfer from the

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present place of posting or to effect the same at a place where he can be suitably accommodated, supported by such documents as he may deem fit and advised. The respondents shall dispose of the representation within a period of one month from the date of the receipt of the same.

Till the representation of the applicant is disposed of by the speaking order the status quo shall be maintained as of today if the applicant is still aggrieved by the decision subject to the law of limitation, he may assail the same, if so advised.

J. P. Sharma

(J.P. SHARMA)

MEMBER (J)

15.07.92