

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 12th day of June 2001.

Original Application no. 732 of 2001.

Hon'ble Maj Gen KK Srivastava, Member-A.

Dina Nath Chaturvedi,
S/o Late Manehar Lal Chaturvedi,
R/o Ramji Dwara,
Mathura (UP) - 281001.

... Applicant

C/A Shri MK Updhayaya

Versus

1. Union of India,
through the Secretary, Govt. of India,
Ministry of Defence, South Block,
New Delhi.
2. Chief Enginner,
Headquarters, Central Command,
Lucknow.
3. Commander Works Engineer,
Agra Cantt. Agra.
4. Garrison Engineer,
Mathura Cantt.,
Mathura.

... Respondents

C/Rs Shri RC Joshi

...2/-



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O R D E R (Oral)

Hon'ble Maj Gen KK Srivastava, Member-A.

Through this OA under section 19 of the A.T. Act, 1985, the applicant has prayed for cancellation of the transfer order dated 5.3.2001 or in the alternative to adjust the applicant on the vacancy to be created on 1.7.2001.

2. The facts in short are that the applicant is working as UDC in the Artillery Records, Mathura since 1989. The applicant was posted at Agra before he was brought to Mathura on medical grounds. The applicant has been posted to CWE, Mhow vide impugned order dated 5.3.2001.

3. Heard Shri MK Updhayaya learned counsel for the applicant, who submitted that the applicant's wife was suffering from kidney problem and the applicant donated one of his kidneys to his wife.
But, unfortunately the wife of the applicant expired in December 1988. Since then, the applicant is living only on one kidney and he has number of medical problems. It was only on the medical grounds that the applicant was transferred from Agra to Mathura in the year 1989. His order of transfer during 1997/2000 were cancelled on the similar ground on applicant's representations. Learned counsel for the applicant submitted that in ^{response} ~~reply~~ to the applicant's representation dated 15.03.2001, the Chief Engineer, Headquarters Central Command, Lucknow, who appreciated the medical problems of the applicant and has directed

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the Chief Engineer, Lucknow Zone, Lucknow, to consider the same. The applicant has submitted another representation to Chief Engineer, Central Command, Lucknow on 01.06.2001. Both these representations of the applicant are still pending to be decided by Chief Engineer, Headquarter, Central Command, Lucknow.

4. I have given due consideration to the submissions made by the learned counsel for the applicant. From the perusal of the records, there is no doubt that the applicant has genuine medical problems. The applicant has already explained his medical problems in his representations dated 15.3.2001 and 01.06.2001, addressed to Chief Engineer, Headquarter, Central Command, Lucknow. I, therefore, direct Chief Engineer, Headquarter, Central Command, Lucknow (respondent no. 2) to decide the representations dated 15.3.2001 and 01.06.2001 of the applicant within 4 weeks, from the date of communication of this order, and till the representations of the applicant are finally disposed of by respondent no. 2 the status quo will be maintained and the applicant will not be disturbed from the present place of posting. The OA is decided accordingly.

5. No order as to costs.


Member-A

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