

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1161 OF 2004
ALLAHABAD THIS THE 1ST DAY OF OCTOBER, 2004

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MRS. ROLI SRIVASTAVA, MEMBER-A

R.P. Chaudhari,
Son of Sri K.L. Chaudhari,
R/o D 86, world Bank barrarra kanpur
Small Industries promotion Officer (Mech).
Posted at Small Industries Service Institute,
Govt. of India, Ministry of S.S.I. 107,
Industrial Estate Kalpi, Road Kanpur.

..... .Applicant
(By Advocate Sri S.K. Parwar & Sri S.K. Singh)

Versus

1. The Development Commissioner,
(Small Scale Industries) Govt. of India,
Min. of S.S.I., 7th Floor, South Wing,
Nirman Bhawan, New Delhi.
2. The Director Small Industries Service,
Institute, 107, Industrial Estate Kalpi Road,
Kanpur.
3. Union of India, through Industries Secretary,
Govt. of India, Ministry of Small Scale
Industries, Nirman Bhawan, Delhi.
4. Deputy Director (Adm), Govt. of India,
Ministry of Small Scale Industries,
Office of the Development Commissioner,
Nirman Bhawan, New Delhi.

..... .Respondents

(By Advocate Sri Saumitra Singh)

Parw

O R D E R

BY JUSTICE S.R. SINGH, V.C.

The applicant, S.I.P.O. was transferred from Delhi to Kanpur on medical grounds in the year 2000 on his own expenses. It is stated that he has already undergone operation for Heart and Kidney and by the impugned order dated 10.9.2004, he has been transferred to Haldwani vice Sri Abid Hussain, Assistant Director, Gr.II (Mechanical). The submission made by the learned counsel for the applicant is that no medical facility is available at Haldwani and transfer of the applicant to Haldwani by the impugned order would adversely affect the health of the applicant and endanger his life having regard to his case history. It is also submitted by ^{him} that inter-se transfer of the applicant and Abid Hussain, Asstt. Director Gr.II (Mechanical) was ^{not} permissible. It is further submitted by the applicant that he has already preferred a representation to the Development Commissioner, (Small Scale Industries), Government of India, Ministry of SSI, New Delhi. By the impugned order, herein, the applicant has been directed to take up his duty on new place of posting within one month i.e. 10th October, 2004.

2. Having regard to the facts and circumstances of the case, we are pursued to dispose of this O.A. at admission stage itself with a direction to the respondent no.1 namely Development Commissioner, Small Scale Industries, Government of India, New Delhi to sympathetically consider and dispose of the applicant's representation by passing a reasoned and speaking and endeavour to accommodate the applicant at a station where medical facility suited to the applicant is available. The operation of the impugned order shall remain stayed till one month or till the disposal of the representation of the applicant, which ever is later. No costs.

B.S.M.
Member (A)

P.S.G.
Vice Chairman

Girish/-