

(67) (3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.678 OF 2005

ALLAHABAD, THIS THE 30th DAY OF JUNE, 2005

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.
HON. MR. S.C. CHAUBE, A.M.

R.B. Sharma, aged about 58 years, Son of Late Shri S.R. Sharma, R/O 5 Panchkuiyan, Jhansi.

.....Applicant.

Counsel for applicant : Shri R.K. Nigam.

Versus

1. Indian Council of Agricultural Research, Krishi Bhawan, New Delhi through its Secretary.
2. Deputy Secretary (Administration), Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, NRCF (National Research Centre for Agroforestry), Gwalior Road, Jhansi.

.....Respondents.

Counsel for Respondents : Sri N.P. Singh.

O R D E R (Oral)

HON'BLE MR. A.K. BHATNAGAR, J.M.

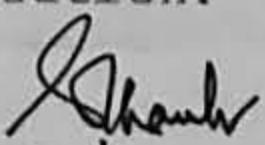
By this O.A., the applicant has prayed for quashing the impugned orders dated 30.5.2005 (Annexure A-1) and 7.6.2005 (Annexure A-2). A further direction is sought restraining the Respondents not to give effect to the impugned orders and not to disturb the present working of the petitioner in view of his retirement which is imminently due and also in view of the family circumstances which have been narrated in detail in the representation.

2. Brief facts, giving rise to this O.A. are that the applicant is working on the post of Assistant

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Finance and Accounts Officer in National Research Centre for Agroforestry, Jhansi under Respondent No.3. On 30.5.2005, a promotion/transfer order of the applicant was issued by the Respondents posting him as Finance and Accounts Officer at C.P.R.I., Shimla. The applicant submitted that an application/representation dated 15.6.2005 has been ~~made~~ ^{sent} by him declining his promotion on the ground of sickness of his wife besides other family circumstances. The Controlling Authority of the applicant i.e. Respondent No.3 also recommended the applicant's representation in his favour. On 17.6.2005, a letter was issued by the Director I.G.F.R.I., Jhansi for relieving the applicant in the interest of public service. Counsel for the applicant further submitted that the applicant will be satisfied if his representation dated 15.6.2005, duly recommended by the Controlling Authority on 16.6.2005, which is pending decision before the Competent Authority, is decided within a specified period by a reasoned and speaking order. Counsel for the Respondents submitted that the O.A. is pre-mature as it has been filed without waiting for the outcome of the decision of the Competent Authority on his representation dated 15.6.2005. After hearing counsel for the parties, we are of the considered view that this O.A. can be disposed of at the initial stage itself by giving a direction to Respondent No.2 to consider and decide the representation, filed by the applicant on 15.6.2005 (Annexure A-1), duly recommended by the Controlling Authority of the applicant, within a period of three months from the date of receipt of a copy of this order.

3. The O.A. stands disposed of in terms of the above direction. No costs.


A.M.


J.M.

Asthana/