

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NO. 868 OF 2005.

ALLAHABAD, THIS THE 4<sup>th</sup> DAY OF AUGUST 2005.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

P. L. Singh aged about 32 years  
S/o Shri Ram Chandra Singh  
R/o 90 Gagan Enclave, Rohta Road,  
Meerut Cantt. District Meerut.

.....Applicant.

(By Advocate : Shri Yogendra Mishra/P.K. Pandey)

Versus

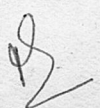
1. Union of India through Secretary,  
Department of Human Resources Development,  
Ministry of Central Secretariat,  
New Delhi.
2. Joint Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Saheed Jit Singh Marg,  
New Delhi.
3. Education Officer, Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Saheed Jit Singh Marg,  
New Delhi.
4. Principal Kendriya Vidyalaya  
Noida 2<sup>nd</sup> Shift, District Gautam Budh Nagar,

.....Respondents.

ORDER

By Hon'ble Mrs Meera Chhibber, Member (J)

By this original application applicant has challenged the order dated 30.05.2005 whereby he has been displaced from Noida to Jamuna Colliery (SEOL) in order to accommodate Smt. Kusum Chawla from DADRI (AFS) to Noida (Pg.17). It is submitted by the applicant that being aggrieved he gave his representation on 14.06.2005 (pg.23) but the same has been rejected vide memo dated 24.06.2005





without a speaking order with a direction to ~~the~~ report for duty at place of transfer immediately. Applicant's name figured at Serial No. 16 (pg.24).

2. It is submitted by the applicant that his wife is also teaching at Daha District Bhagpat and it was only on 09.09.2004 that he was transferred to Noida from Meerut where he was declared surplus. <sup>Even</sup> one year has not been passed. He again transferred from Noida to Madhya Pradesh when a person junior to him namely Shri Avdesh Kumar of K.V. Ghaziabad has been accommodated after modifying his transfer from K.V. Joshimath to KV Babugarh. Therefore, he gave another representation on 14.07.2005 (Pg.25) but no reply has been given to him till date. Thus, he had no other option but to file the present original application.

3. I have heard counsel for the applicant and perused the pleadings as well. The scope of interference in transfer matters is very limited ~~as~~ <sup>the R</sup> it has been repeatedly held by the Hon'ble Supreme Court that it is prerogative of the Govt. or department to decide where an employee should be posted and how best work can be taken out from the employee, but ~~the~~ at the same time it has also been held by Hon'ble Supreme Court that whenever a representation is given by an employee it should be decided by reasoned and speaking order. In the instant case, it is seen that when applicant gave his representation the same was rejected in a stereo type manner and representation of as many as 22 persons were rejected by a single stroke of pen, which <sup>can be</sup> ~~could~~ not be said to be a speaking order at all. Applicant has, thereafter, <sup>given</sup> ~~given~~ another representation dated 14.07.2005 but no reply has yet been given to him on the said representation. Therefore, I am of the considered view, that this O.A. can be disposed off at the admission stage itself by giving direction to the respondent No.2 to consider the representation given by the applicant and to see if he can be accommodated in any nearby place since his wife is also teaching ~~in~~ at Daha District Bhagpat and he was posted at Noida only on 09.09.2004. Therefore, <sup>in R</sup> ~~this~~ <sup>be R</sup> must explained ~~the reasons~~ why he has been transferred within one year from Noida to Madhya Pradesh. The decision should be

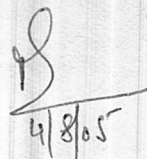




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communicated to the applicant within a period of <sup>B</sup> 2 weeks from the date of receipt of a copy of this order under intimation to the applicant. Till his representation is <sup>B</sup> decided, applicant should not be forced to join at Madhya Pradesh.

4. With the above directions this Original Application stands disposed off. No order as to costs.

  
4/8/05

Member (J)

Shukla/-