

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 61/724/2021**

This the 03<sup>rd</sup> day of May, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**

Om Parkash Gupta, aged 59 years, S/o Shri Girdhari Lal Gupta, R/o 45 Extension  
Mohinder Nagar, Talab Tillo, Jammu

.....Applicant

(Advocate:- Mr. Pranav Kohli, Sr. Advocate)

**Versus**

1. Union Territory of Jammu & Kashmir through Commissioner-cum-Secretary to Government, Jal Shakti Department, Civil Secretariat, Jammu-180001.
2. Chief Engineer, Jal Shakti (I&FC) Department, Jammu.
3. Executive Engineer, Tube Well Irrigation Division, Jammu-180001.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Id. D.A.G. for Mr. Sudesh Magotra, learned D.A.G.)

**ORDER**

**[O R A L]**

**(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

The applicant Om Parkash Gupta is aggrieved by the Order No. 91-JK (JSD) of 2021 dated 19.04.2021 by virtue of which the applicant has been transferred from Tube Well, MSID No. III Jammu of Tube Well Irrigation Division, Jammu to Mechanical Division RTIC, Kathua. The applicant has been posted as Assistant Executive Engineer, Tube Well, Irrigation Division, Jammu since 01.04.2018. The respondents vide communication no. TWID/J/5773-76 dated 31.03.2021 in reference to Government Order No. 41-JK (JSD) of 2021 dated 17.02.2021 asked the applicant to look after the charge of Assistant Executive Engineer Tube/Well Irrigation Mechanical Sub-Division No. (1<sup>st</sup> Jammu) in addition to his own duties till further orders. It has been stated that although the applicant has been transferred from Sub-Division III to RTC Kathua but the post of Additional Charge which the applicant was holding, is still lying vacant and the





superannuation of the applicant is scheduled on 31.10.2021 and the applicant is required to be in the same Division for necessary documentation. The applicant prays that he be adjusted against the post which he was holding the additional charge till his superannuation. The applicant also furnished a representation before the respondents requesting for reconsideration of the decision of his transfer as he is at the verge of retirement, however, the same is pending for the consideration before the respondents till date.

2. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is issued to the respondents to consider his representation annexed as Annexure No. A-VII to the O.A. by reasoned and speaking order within a stipulated time frame.

3. Looking to the facts and circumstances of the case, we dispose of the O.A. with direction to the respondents to take a decision on the representation preferred by the applicant by passing a reasoned and speaking order within a period of two weeks from the date of receipt of certified copy of this order. While taking a decision, the respondents would also take into consideration the fact that the applicant is going to retire in October 2021. Till a decision is taken on the representation, status quo be maintained

4. It is made clear that we have not entered into the merits of the case.

5. There shall be no orders as to cost.

**(ANAND MATHUR)**  
**MEMBER (A)**  
*Arun*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**