

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00301/2021

Date of Order: This, the 29th day of September, 2021

HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)

Pankaj Kumar Tiwari, aged about 37 years, son of Sri Kanhaiyya Lal Tiwari, resident of House No. 267, Chandel Nagar, Kalyanpur Kala, Kanpur & presently posted as S.D.O. II, DEO Lucknow.

..APPLICANT

By Advocate: Shri Amit Verma.



VERSUS

1. Union of India through Ministry of Defense, Directorate General Defense Estates, Delhi Cantt-10.

2. Director General, Government of India, Ministry of Defense, Directorate General Defense Estates, Raksha Sampada Bhawan, Ulaan Bataar Marg, Delhi Cantt-10.

3. Mr. Javed Alam, PDDE CC, Lucknow.

4. Mr. Rajat Kumar, PDDE CC, Lucknow.

5. Mr. Shivashraya, DEO, Lucknow.

6. Mr. Manmohan, DEO, Lucknow.

.....RESPONDENTS

By Advocate: Ms. Prayagmati Gupta.

O R D E R (ORAL)

At the outset, Shri Amit Verma, learned counsel for the applicant, submitted that the applicant is a person with 45% disability and that therefore, in his view, he is entitled to sympathetic consideration of his representation against his transfer on promotion dated 21.09.2021, (Annexure A-1), in terms of DoPT OM dated 31.03.2014; (Annexure A-3). Shri Verma, learned counsel for the applicant, stated that despite the applicant having submitted a representation for such consideration on the date of transfer itself, (i.e. 21.09.2021-Annexure A-4), there has been no response or decision on the same from the respondents so far. In the circumstances, applicant's counsel prayed that he would be satisfied if a direction is given to the respondents to consider the representation made to them by the applicant on 21.09.2021, (Annexure A-4), and decide the same, after affording the applicant an opportunity of a personal hearing to better explain his case, by way of a reasoned and speaking order in accordance with law within a reasonable timeframe.



2. At this, Ms. Prayagmati Gupta, learned counsel for the respondents, submitted that if the representation in question is to be decided in the manner suggested,

then a period of at least one month would be necessary for the purpose.

3. Looking to the limited plea made by the learned counsel for the applicant, I deem it appropriate, without entering into the merits of the case, to dispose of this OA at the stage of admission itself with a direction to the respondents to consider the representation made to them by the applicant on 21.09.2021, (Annexure A-4), and, after affording the applicant an opportunity of a personal hearing in order to better explain his case, decide the same by way of a reasoned and speaking order in accordance with law within a period of one month from the date of receipt of a certified copy of this order. Till such time his representation is decided, no coercive action shall be taken against the applicant in pursuance of the impugned order dated 21.09.2021; (Annexure A-1).



4. Original Application is disposed of accordingly.

5. There will be no order on costs.

(A.MUKHOPADHAYA)
MEMBER (A)