

2  
A2  
2

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

Original Application No.517/1993

H K PATHAK

...

Applicant

Versus

Union of India and others.

Respondents

-:-

HON'BLE MR MAHARAJDIN MEMBER-J

This is an application under Section 19 of the Administrative Tribunal Act 1985 seeking the relief for cancellation of transfer from Allahabad to Mirzapur.

The relevant facts giving rise to this application are that the applicant was appointed as a Khalasi in Construction Department on 02 02 82. After being screened the applicant was empanelled as Electric Khalasi and was placed at serial No.116 in the list dated 28 02 84. It is said that he has been transferred from Allahabad to Mirzapur in the Construction Department whereas the juniors are retained at Allahabad. It is stated that the order of transfer which has been impugned, is arbitrary and discriminated.

Shri A K Gaur put appearance on behalf of

*[Signature]*

the respondents.

I have heard the learned counsel for the parties.

The applicant has not been served with the order of transfer as yet. He could somehow know that he is being transferred from Allahabad, to Mirzapur, so before receiving the transfer order he has come up before this Tribunal seeking the relief for cancellation of the transfer order. Learned counsel for the respondents does not dispute that the applicant is being transferred from Allahabad to Mirzapur. The applicant has submitted a representation dated 30 03 93 requesting that he should be <sup>2</sup>retained at Allahabad because of family circumstances. The learned counsel for the applicant has filed a copy of order dated 02 04 93 by which the transfer of Shyamraj and Rama Singh, who were transferred from Mirzapur to Allahabad, are retained at Allahabad. The representation submitted by the applicant is <sup>2</sup>still pending for disposal.

The application is disposed off at admission stage with the direction to the respondents

Am

to dispose of the representation dated 30.03.93  
within a period of fifteen days from the date of  
receipt of this order and till then the applicant  
should not be relieved on transfer from Allahabad.

Dated: Allahabad  
April 20<sup>th</sup>, 1993.

*Sharma*  
20.4.93  
MEMBER -J

(VKS)