

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

• • •

O.A. No. 1488 of 1994

Dated: 17.10.1994

Om Prakash Jaiswal, son of Shri
Gomti Kant Jaiswal, aged about 43
years, post as Sepahi, in the office of
Customs Badni, District Sidharthnagar ... Applicant.

(By Advocate Sri Shishir Kumar)

Versus

Union of India, through Secretary
Ministry of Finance, New Delhi
and others Respondents.

... .

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

Heard Sri Shishir Kumar, learned counsel
for the applicant on admission. The applicant's case
is that he was earlier ordered for transfer from
Badni to Gorakhpur. He had appealed against this
transfer and the same was stayed by the order dated
2.8.1994 issued by the Assistant Collector. The
applicant's grievance is that even after ~~these~~,
authorities attempted to relieve him and then he
submitted another appeal addressed to the Additional
Collector of Customs, and a copy of which is at
Annexure-A 5. It has been stated that thereafter
a wireless message was received from the Additional
Collector, Customs Badni not to relieve the applicant
on transfer until further orders. It is stated that
despite this message, the applicant has been relieved
of his duties by the order dated 23.9.1994 (Annexure-
A 7).

Re

- 2 -

2. In these facts and circumstances, the applicant has prayed that the order relieving him from his duties be quashed and the respondents be directed not to relieve him from his present place of working.

3. I have gone through the pleadings ^u ~~of~~ the application and also submissions made by the learned counsel for the applicant. The transfer order does not appear to be ^u ~~in~~ violation of any statutory rules nor has any foundation been laid for inferring any malice or malafide in issuing the order of transfer. However, in view of the fact that the applicant has submitted representation to the Additional Collector Customs and a message is purported to have been issued by the Additional Collector, Customs in response to the representation ~~from~~ ^{to} the Superintendent of Customs, Badni, not to ~~relieve~~ ^u the applicant until further orders, I consider that it would be appropriate to direct the respondent no. 2 to consider the representation of the applicant on merit and pass final orders on the same within a period of 1 month from the date of communication of this order. I also direct the respondents ~~are~~ ^{to} allow the applicant to continue to work at the present station of posting till his representation is finally decided by the respondent no. 2.

4. The application is disposed of finally at the admission stage with the above directions.

lsw
Member (A)