

OA No 702/2000

05/7/00

Hon. Mr. S.K.P. Nagri, J.M.

Heard, Shri N.P. Singh learned Counsel for the applicant.
Shri D.S. Shukla, Addl. Standing Counsel for the Union of India
is directed to take notice and argue on the point of
grant of interim relief, as sought for in the O.A.

Taken up when Shri Shukla has gone through the
record.

The applicant has come up impugning the transfer
order dated 21/5/00, copy of which has been annexed as
annexure-6 to the O.A., through which he has been trans-
ferred from Kanpur to Jodhpur as Programme Executive.
This prayer has been ~~opposed~~^{pleaded} on the ground that the
impugned order pertains to the cadre of Programme
Executive which has a separate promotion channel and
the cadre of applicant as Producer, has a separate
channel for promotion, which may prejudice his future
prospects and this change in cadre has been effected
to without affording him an opportunity to represent
his case. He ^{also} pleaded the bias for having been
transferred. Under the orders of the Court, Shri Shukla has
vehemently opposed this prayer for interim relief and has
asserted that the application is not maintainable.

Learned Counsel for the applicant has changed his
prayer with a simple request that he be allowed only
02 days time to move a fresh representation before the depart-
ment and one week thereafter departmental authority may
decide his representation and till then his transfer be
stayed and if his request is acceded, the O.A. may be
finally decided with this direction only.

I do not find any impropriety if the request of learned
Counsel for the applicant is acceded and interim relief is granted
only to that extent, as he has prayed during the oral submissions. Accordingly,
it is directed, that in case the applicant moves the departmental authorities
within 3 days, his representation shall be decided within 10 days thereafter
and the applicant shall abide by the order passed on his representation. In
the meantime his transfer, as per impugned order dated 21/5/00, shall
remain stayed. The O.A. is finally decided accordingly.

Copy of this order be furnished to the applicant ~~shall remain~~ as
well as learned counsel of the respondents, along with copy of O.A. and notice.

Saeemag
J.M.