

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th day of March, 2002.

Original Application No. 278 of 2002.

Q U O R U M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Iqbal Khan a/a 34 years S/o Sri Zhaoor Khan
R/o Sikri Dohissa, Post- Fatehpur Sikri, Distt. Agra.
Presently working as Mason Attendent (Casual Worker)
at Agra Fort Charge Establishment under the
Administrative Control of the Superintending
Archaeologist, Archaeological Survey of India,
Agra Circle, Agra.

.....Applicant

Counsel for the applicant :- Sri R.C. Katara

V E R S U S

1. Union of India through the Secretary,
M/o Archaeological Survey of India,
Govt. of India, New Delhi.
2. The Superintending Archaeologist,
Archaeological Survey of India, Agra Circla, Agra.
3. Conservator Assistant (Samrakshak Sahayak),
Agra Fort, Archaeological Survey of India,
Agra Circle, Agra.

.....Respondents

Counsel for the respondents :- Sri G.R. Gupta

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the
Administrative Tribunals Act, 1985, the applicant has

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challenged the order dated 23.01.2002 by which the applicant, who is a temporary status employee, has been transferred from Agra to Mathura sub division. It is also stated that on the same date, the applicant was relieved. The learned counsel for the applicant has challenged the order on various grounds including that the respondent No.2 had no authority to transfer the applicant and a temporary status employee working in work charge establishment, cannot be transferred. For this purpose, the applicant has relied upon the judgment of/Hon'ble Supreme Court in case of State of Rajasthan Vs. Kunji Raman AIR 1997 (SC) 693. The learned counsel has also submitted that there is no complaint against work and conduct of the applicant. The applicant is a low-paid employee and ^{if he} is transferred to another district, it ^{shall be} difficult for him to maintain his family.

2. Sri G.R. Gupta, the learned counsel for the respondents on the other hand has submitted that against the order of transfer this Tribunal normally insists to make a representation before the higher authority raising grievance against the transfer. It is submitted that in the present case, the applicant has come without approaching the superior authority in the department.

3. Considering the facts and circumstances, in our opinion, ends of justice shall be better served, if the applicant is given liberty to make a representation before the next higher authority namely Director General, Archaeological Survey of India, New Delhi, against his transfer and ^{to} place before him all his grievances which he has ~~been~~ stated in his application. The representation if so filed within two weeks, it shall be considered


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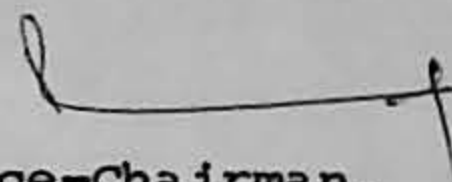
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and decided by a reasoned order within a month. It shall also be open to the applicant to make an application for grant of interim order which shall also be decided within a week from the date of filing. The O.A is disposed of finally.

3. There will be no order as to costs.

Copy of this order shall be given to both the counsel for parties within 48 hours.


Member- A.


Vice-Chairman.

/Anand/