

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 10TH DAY OF JULY, 2002

Original Application No.765 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Ajit Kumar Srivastava, son of  
Late N.S. Srivastava, Senior Accountant  
Postal Civil Division, Allahabad.

.... Applicant

(In Person)

Versus

1. Union of India through  
The Secretary, Ministry of  
Communication, New Delhi.
2. Superintending Engineer, Postal  
Civil Circle, Ambala.
3. Executive Engineer, Postal  
Civil Division, Allahabad.
4. Asstt. Engineer, Postal  
Civil Sub-Division,  
Allahabad.

.... Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

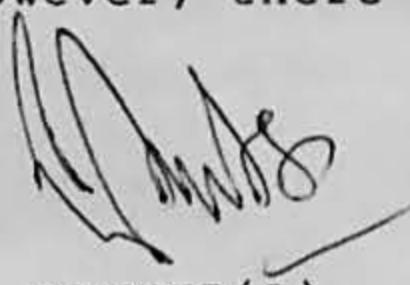
By this OA u/s 19 of A.T.Act 1985, applicant has approached this Tribunal questioning the legality of the order dated 5.6.02(Annexure 8) by which applicant has been repatriated to his parent department i.e. Office of Director Accounts(Postal), Lucknow. The submission of the applicant is that <sup>at present</sup> four senior Accountants <sup>are working</sup> ~~are working~~, including the applicant ~~on~~ on deputation at Allahabad under the Respondent no.3. It is submitted that out of three persons one is senior to the applicant and two are junior to him. The grievance of the applicant is that for passing the impugned order of

repatriation norms have not been followed. In this connection, it is submitted that either the length of the period of deputation should be a criterion for passing repatriation order and in that case the person who has joined first should be repatriated first. In case the order is passed according to seniority of the persons working on deputation in their cadre then juniormost person should leave first. The submissions of the applicant is that from the impugned order dated 05.6.2002 it does not appear that either of the two settled norms have been followed. Applicant has also placed reliance on a letter dated 21.6.2002 which has been filed as (Annexure 1) to the supplementary affidavit filed today. Through this letter Senior Accounts Officer Administration-I(s) of Office of Director of Accounts (Postal) Lucknow has stated that it is not clear under which criterion he has been ordered for repatriation to this office. The DPA has desired to either follow the norms or process the case of repatriation of the Officer as per rule. Before coming to this Tribunal applicant filed a representation before respondent no.3, a copy of which has been filed as (Annexure 7). The grievance of the applicant is that no order has been passed on the representation of the applicant. The representation is still pending before respondent no.3.

Considering the facts and circumstances narrated above, and the fact that the applicant had "already approached the Competent Authority, the ends of justice will be served if respondent no.3 is directed to consider and decide the representation of the applicant by a reasoned order within a specified time and in the meantime the interest of the applicant may be protected.

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For the reasons stated above, this OA is disposed of finally with a direction to the respondent no.3 to consider and decide the representation of the applicant by a reasoned order within a period of one month from the date a copy of this order is filed before him. The applicant shall file the copy of this order before respondent no.3 with a copy of the representation within two weeks. For a period of six weeks the applicant shall be allowed to continue at Allahabad and the impugned order dated 05.6.2002 shall be kept in abeyance. However, there will be no order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: July 10th, 2002

Uv/