

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.502 OF 2003
ALLAHABAD THIS THE 07TH DAY OF MAY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Subhash Mukherji,
aged about 40 years,
S/o Late Shri S.N. Mukherji,
R/o 2/B, Drumond Road,
Allahabad.

.....Applicant

(By Advocate Shri R. Verma)

Versus

1. Union of India,
through Secretary,
Ministry of Urban Development & Alleviation,
New Delhi.
2. The Superintending Engineer,
Samanvaya Parimandal (Civil),
C.P.W.D., New Delhi.
3. The Chief Engineer-NZ (II)
C.P.W.D., Kendriya Bhavan,
Sector-H, Aliganj,
Lucknow.
4. The Superintending Engineer,
Allahabad Central Circle C.P.W.D., 841,
University Road,
Allahabad.
5. The Executive Engineer,
Allahabad Central Division,
C.P.W.D., 76, Lookerganj,
Allahabad.



6. Shri Shiv Baran,
presently residing at Type-II,
37, C.P.W.D. Colony,
Jayantipur,
Allahabad.

.....Respondents

(By Advocate Shri R. Sharma)

O R D E R

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, applicant has challenged the order of transfer dated 29.04.2003 by which applicant has been transferred from Allahabad to Lucknow as Stenographer Grade-III.

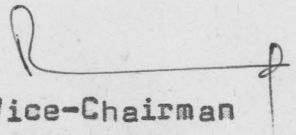
2. The learned counsel for the applicant has questioned the legality of the impugned order of transfer on various grounds including that Chief Engineer, respondent no.3 had no legal authority to pass the order of transfer. He has relied on Rule 19 of C.P.W.D. Manual VOL-I where it is provided that such transfer orders from one station to another under this rule ^{shall be made} either by the Superintending Engineer (Coordination) or by the Superintending Engineer of the Circle concerned in consultation with the Superintending Engineer (Coordination). It has come on record that before coming to this Tribunal the applicant filed a representation before respondent no.3, a copy of which has been filed as annexure-8. It is stated that the representation has not ^{yet} been decided. In the application the applicant has placed his difficulties if the order of transfer is given effect, ^{As the} applicant has ^{already} approached respondent no.3, ^{It} shall not be appropriate to interfere



at this stage, except for a direction to respondent no.3 to consider and decide the representation of the applicant by a detailed order within a specified time and till then the interest may be protected.

3. This O.A. is accordingly disposed of with liberty to applicant to file a fresh representation before respondent no.3 Chief Engineer, North Zone (II C.P.W.D. Lucknow) within one week. The representation, if so filed, shall be considered and decided within a month. For a period of six weeks or till the representation is decided, the applicant shall be allowed to continue at Allahabad, if he has already not been relieved from Allahabad.

4. There shall be no order as to costs.


Vice-Chairman

/Neelam/