

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 21st day of September, 2004.

Original Application No. 726 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Nihori Lal S/o Sri Bhola Nath
R/o D-11, ESI Colony, Sarvodaya Nagar, Kanpur Nagar.

.....Applicant

Counsel for the applicant :- Smt. M. Kushwaha
Sri R.M. Shukla

V E R S U S

1. Union of India through the Director General, Employees State Insurance Corporation (ESIC), Kotia Road, New Delhi.
2. Sri T. Bhattacharya, Regional Director, Regional Office, Employees State Insurance Corporation, Punchdeep Bhawan, Sarvodaya Nagar, Kanpur Nagar.
3. The Deputy Director, ESI, Kanpur Nagar.

.....Respondents

Counsel for the respondents :- Sri P.K. Pandey

O R D E R

The applicant, UDC, has been transferred by impugned order dated 14.05.2002 from Nirikshn Shakha, Kanpur to Local Office, Daudnagar, Allahabad in the same capacity. The order impugned herein is sought to be set aside firstly on the ground that there exist no post of UDC at local office, Daudnagar, Allahabad and secondly on the ground that the transfer, ~~is actually in~~ ^{the order has been passed due to} malice in that the applicant had earlier declined to perform the additional duty of Assistant ~~which~~ ^{is} over and above the duties of UDC and, therefore, the competent authority was annoyed.

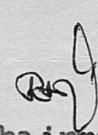
2. Sri P.K. Pandey, learned counsel for the respondents

Par

on the other hand has submitted that an employee can be transferred and posted even in the absence of sanctioned post, if it is otherwise necessary keeping in view the pressure of work. It is also submitted by the learned counsel for the respondents that the order impugned herein does not suffer from malice or malafide and the applicant is not the only official ^{who} transferred by means of the impugned order dated 14.05.2002 but 39 officials have been transferred by self-same office order dated 14.05.2002.

3. Having heard learned counsel for the parties and also having regard to the facts and circumstances of the case that the applicant has preferred a representation, I am of the view that it would meet ends of justice if the O.A is disposed of with direction to the competent authority to look into the grievance of the applicant and dispose of his representation by means of a reasoned order within a period of one month from the date of communication of this order.

4. The O.A is disposed of in terms of above with no order as to costs.


Vice-Chairman.

/Anand/