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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 1056 of 2006

Thursday, this the 28th day of September, 2006

Hon'ble Mr. K. Elango, Member (J)

Mohd. Farid Khan S/o Late Mohd. Khan, R/o 410, Purwa Faiyaz
Ali, Delhi Gate, Meerut.

Applicant

By Advocate Shri Komal Mehrotra

Versus

1. Union of India through, Ministry of Defence (Govt. of India),
New Delhi.
2. C.G.D.A., West Block V, R.K. Puram, New Delhi.
3. Controller of Defence Accounts (Army), Belvedere
Complex, Ayudh Path, Meerut Cantt.-250001.
4. The L.A.O., Air Force 'A', Chandigarh.

Respondents

ORDER

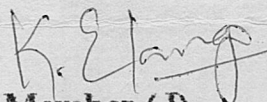
By Hon'ble Mr. K. Elango, J.M.

The O.A. No.1056/06 is filed by the applicant-Mohd. Farid
Khan for exemption of his transfer order dated 18.10.2005.

2. The applicant was appointed in Controller of Defence
Accounts (Army) on compassionate ground in the year 1995. In
the year 2001, the applicant met with an accident and got severe
injuries in his right hand and Doctors had declared him as 50%
physically handicapped. Copy of the certificate issued by the
Medical Board, District Hospital, Meerut is also annexed with this

Original Application. The applicant is drawing handicapped transportation allowances w.e.f. 12.12.2001 vide C.D.A. (Army) Pt. II O.O. No. 146 dated 02.02.2005. The applicant is suffering from Epilepsy and Migraine and he needs proper care and assistance and treatment about his said ailments. Copy of the certificate to this effect issued by the District Medical Authorities is also annexed. Now by the impugned order dated 18.10.2005, the applicant has been transferred to Chandigarh. On 29.12.2005, the applicant made a detailed representation before respondent no.2, which is still pending. In the representation, he has mentioned about his illness and also requested for the exemption of his transfer order. Counsel for the applicant submitted that applicant will be satisfied if his representation dated 29.12.2005 will be considered and decided by the respondent no.2 by a reasoned and speaking order within the specified period.

3. In the facts and circumstances mentioned above, I am of the view that the interest of justice will be adequately met if the representation of the applicant will be considered and decided by respondent no.2 by a reasoned and speaking order within the specified period. Accordingly, the respondent no.2 is directed to consider and decide the representation dated 29.12.2005 of the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. Till the representation of the applicant is decided, the status quo as on today shall be maintained, if he has not already been relieved. No order as to cost.


Member (J)

/M.M./