

(3)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION No. 1252 of 2007.

ALLAHABAD THIS THE 1st DAY OF JANUARY 2008.

Hon'ble Mr. Justice Khem Karan, V.C.

Avinash Chandra Srivastava, son of Shri L.N Srivastava, Resident of 860 Mutthiganj, Allahabad, posted as Carpet Training Officer, at Regional Carpet Store Lekhrajpur, Jhunsi, Allahabad, District Allahabad.

.....Applicant

(By Advocate: Shri N.L. Srivastava)

VERSUS.

1. Union of India, Ministry of Textile, Udyog Bhawan, New Delhi, through its Secretary.
2. Development Commissioner (Handicrafts), West Block NO.7, R.K. Puram, New Delhi.
3. Shri Sanjay Agarwal, Development Commissioner, (Handicrafts), West Block NO.7, R.K. Puram, New Delhi.
4. Regional Director (Centre Region), Office of the Development Commissioner (Handicrafts), Kendriya Bhawan, 7th Floor Aliganj, Lucknow.
5. Assistant Director (A and C), Office of the Development Commissioner (Handicrafts), 1A/3A, Rampriya Road, Allahabad.

.....Respondents

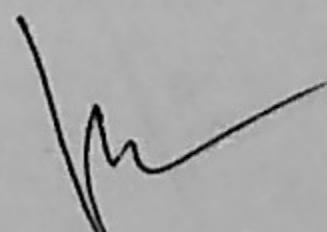
(By Advocate: Shri S. Singh)

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O R D E R

Heard Shri N.L. Srivastava, the learned counsel for the applicant and Shri R C Shukla holding brief of Shri Saumitra Singh, the learned counsel for the respondents.

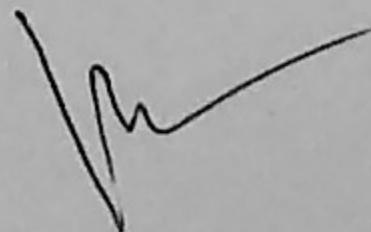
2. Shri R.C Shukla has informed on the basis of instruction received that excepting the applicant, the rest of the persons mentioned in order dated 20.12.2007, have since been relieved on 31.12.2007, but the applicant could not be relieved because of interim order dated 28.12.2007. He has stated that unit of Allahabad or elsewhere were closed as back as in 2002 and staff here at Allahabad is being transferred to Headquarter in ⁴phases, as here there is no work to be performed by them. He says that it is under the same process that applicant and seven others have been shifted from here to Headquarter. Shri N.L. Srivastava, the learned counsel for the applicant has submitted that there is no dispute on the point that unit at Allahabad or elsewhere have been closed and staff is to be shifted to Headquarter but it is a fact that several persons are being retained by respondents, even after shifting of persons mentioned in the impugned order dated 20.12.2007. Shri N.L. Srivastava has tried to say that applicant came to Uttar Pradesh in 1996 after serving in Madhya Pradesh and his stay here is shorter to so many persons as mentioned in paras 4.12, 4.13 and 4.14 and so longest stayees should have been shifted first and not the applicant, who has a shorter



stay as compared to them. Shri N.L. Srivastava says that applicant is being singled out for the reason that he had already filed O.As, challenging the certain orders of the Authority concerned and he also filed contempt petition for alleged disobedience of certain directions of the Tribunal. He says that applicant has reason to say that he is being disturbed without any basis for the reason that he had approached this Tribunal earlier.

3. I think in such a matter, there must be some policy with the respondents, as to who are to be shifted first. If the employees are to be sent to HQ or elsewhere in phases, some policy should be adhered to and there should be no pick and chose. The proper course seems to be to ask the applicant to give a detailed representation to the respondent NO. 2 putting all his grievance and the Authority concerned should be asked to look into the same in the light of relevant policy and in the light of allegation, so made and decide his representation within a period to be fixed by the Tribunal. there is no point in keeping this matter pending here.

4. So with the consent of parties, the Original Application is finally disposed of at admission stage itself, with a provision that in case, applicant makes any representation within a period of 15 days from today together with copy of this order, to respondent No.2, latter shall consider and decide the same in accordance



(b)

with guidelines or policy, if any, and pass reasoned and speaking order within a period of 15 days from the date, such representation together with copy of the order, is so received by him and till such order are passed by the respondents, the shifting of the applicant shall remain stayed. In case, applicant does not make any representation, within a period mentioned above, then he shall not be entitled to the benefit of this order.

No costs.

Vice-Chairman

Manish/-