

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench
Allahabad

Original Application No.1253 of 2007

Allahabad, this the 2nd day of January, 2008.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

Kripa Shankar Pandey,
S/o Sri Vansh Narain Pandey,
Laboratory Attendant, RFT,
NICD, Varanasi (U.P.)
R/o Village -Hirapur,
Post Office- Jamua,
District Mirzapur.

...Applicant.

(By Advocate : Shri Jagdish Pathak)

Versus

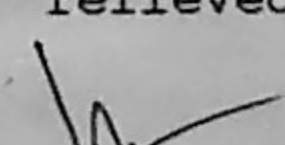
1. Union of India, through Director, National Institute of Communicable Diseases (NICD), 22-Shyam Nath Marg, Delhi-110054.
2. Administrative Officer, through Director, National Institute of Communicable Diseases (NICD), 22-Shyam Nath Marg, Delhi-110054.
3. Dr. Shaukat Kamal, Assistant Director and Officer-In-Charge, NICD RFT & RC, B-20/44, Bhelupur Varanasi.

...Respondents.

(By Advocate : Shri S.Singh)

ORDER

The applicant Kripa Shankar Pandey has filed this OA challenging the transfer order dated 11.10.2007 passed by respondent No.2 transferring him from Varanasi to Rajmundari in Andhra Pradesh and also order dated 12.10.2007, by which he was relieved from the present assignment.

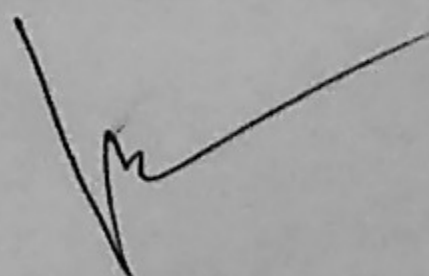


(4)

2. The main ground taken by him ^{is} ~~are~~ that the transfer is malafide as he is being punished for some thing done by him in ^{his} capacity as Secretary of the Union of the employees and there is none in the family to look after his aged parents and ailing wife. He says that he gave one representation for canceling his transfer but that was rejected by the authority concerned. Copy of the rejection order has been annexed.

3. Shri Dwivedi has also informed that the applicant has been served with a charge-sheet, copy of which has been annexed to the OA. Learned counsel for the applicant says that it may not be possible without great difficulty to attend those proceedings by traveling off and on from such a ^{distant} distance places as Rajmundari ^{is} ~~at~~ Andhra Pradesh and the applicant may have to make some other arrangement for looking after his aged parents and ailing wife. Learned counsel for the respondents says that in his representation for canceling the transfer, the applicant had not taken such pleas.

4. I am of the view that it would be just and proper to dispose of this OA with a direction that in case the applicant ^{gives} ~~gave~~ a self contained representation to the Director National Institute of Communicable Diseases, New Delhi within a period of 15 days from today for accommodating him at some nearer place if possible in State ^{J.V.P.} the authority concerned shall re-consider the



5

matter and pass suitable orders within a period of one month from the date of such representation is so received by him. In case, the applicant does not give any representation within the period mentioned above, he will not be entitled to the benefit of the order.

5. The OA stands disposed of accordingly with no order as to costs.

J. J. J.
22.1.08

Vice-Chairman

RKM/

C.A.
1/1/1
Chairman
Union of Justice