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CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR

Date of order : 20-9-1995.

O.A.NO.399/1995

SUNDER SINGH : Applicant
Versus
UNION OF INDIA AND ORS. : Respondents

COURT

THE HON'BLE MS USHA S EN , ADMINISTRATIVE MEMBER

Present

Mr. U.R. Shrimali, Advocate, for the applicant.

BY THE COURT

Heard.

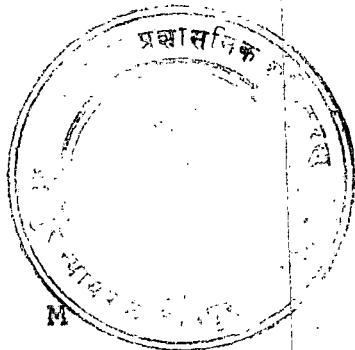
2. This O.A. has been filed seeking the relief of cancellation of the transfer order dated 4.9.95 at Annex. A-1 by which the applicant has been transferred by the respondent no. 2 from Chhitorgarh to Kota. The applicant contends that he had been transferred to Chhitorgarh by order dated 28.9.94 (Annex.A-2) and within a period of less than one year he has again been transferred from Chhitorgarh to Kota. Further, the transfer having been ordered within the mid-academic session of his school going children, he will be facing much difficulties on this account. Thirdly, he states that the transfer order is in violation of the guidelines contained in the Office Memorandum dated 16.1.90 of the DG, ASI, New Delhi (Annex.A-3) which states that the transfer of group 'D' employees should as far as possible be near to their ~~native~~ place of residence. The applicant states that he has been transferred to Kota which is far away from his native ~~place~~ village, Sajolla, in Bharatpur District. He has stated that in view of these circumstances, the transfer order should be cancelled and he should be allowed to stay at Chhitorgarh or he should be transferred to places nearby his native village like Deeg or Bharatpur.



.2.

3. The applicant states that even though the transfer order at Annex.A-1 mentions that he has been transferred with immediate effect, in fact he has not yet been relieved of his duties at Chhitorgarh. It is seen that he has ~~also~~ not made any representation against his transfer. In the facts and circumstances of the case, the respondents are hereby directed that in case the applicant has not yet been relieved in pursuance to the transfer order dated 4.9.95 (Annex.A-1), he may not be relieved till his representation in the matter which he proposes to make within the next fifteen days, is disposed of by the respondent no. 2 after giving due consideration to all the personal problems and difficulties that he might mention in the representation. This direction will hold good in case the applicant makes the said representation within fifteen days from date and if such a representation is made the same shall be disposed of as stated hereinabove by the respondent no. 2 within one month of its receipt by a speaking order giving reasons for the decision taken. With this direction the OA stands disposed of at the admission stage. A copy of the O.A. may be sent to each of the respondents alongwith this order.

Usha Sen
(USHA SEN)
Adm. Member



Part II and III destroyed
in my presence on 21/1/2005
under the supervision of
Section Officer () as per
order dated 4/1/2005
Section Officer (Record)

Received Copy
G.R. Shrivastava
20/1/2005

Copy of judgment
dt 20/1/2005 copy
dt with Annexes
sent to R 1 to R 3
By Regd. Post
no 3517053
date 11/10/05
and 10.00