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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

Date of Order 12.12.95.

O.A. No. 471/95.

B.L. Sarwa

...Applicant.

Vs.

Union of India & others

...Respondents.

CORAM: HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.  
HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER.

For the applicant - Mr. Kamal Dave, advocate.  
For the respondents - Mr. N.K. Khandelwal, Brief holder  
for Mr. M.S. Singhvi, counsel for  
respondents.

O R D E R (ORAL)

(Hon'ble Mr. Gopal Krishna, Vice Chairman)

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In this Application under Section 19 of the Administrative Tribunals Act, 1985, Applicant, B.L. Sarwa, has prayed that the impugned order Annexure A/1, dated 27.10.95 qua the applicant be quashed. He has also prayed for a direction to the respondents to assign proper seniority to him.

2. We have heard the learned counsel for the applicant and Shri N.K. Khandelwal, Brief holder for Mr. M.S. Singhvi, counsel for the respondents.

3. The applicant is aggrieved by his transfer from Bhilwara to Chittorgarh vide the impugned order at Annexure A/1. His contention is that the transfer resulting from bifurcation can only be effected after taking into account the total length of service of the employee, since the matter of transfer for adjustment of surplus staff in a division cannot be considered on the basis of the incumbent's position in the gradation list of the division so far as the Department of Post is concerned. The applicant further states that he was

transferred on mutual basis to the Telecom. District Bhilwara and his seniority was also retained because the person transferred vice him was senior to him. The main thrust of the arguments of the learned counsel for the applicant is that the transfer of the applicant was effected without deciding his seniority and against all the principles of natural justice. The applicant has also stated that his representation dated 14.8.95 (Annexure A/3) in regard to his seniority and another representation in regard to his transfer as well dated 22.9.95 did not evoke any response. The learned counsel for the applicant now wants to make a fresh representation regarding his grievance and the learned Brief holder for Mr. M.S. Singhvi, counsel for the respondents has no objection if a direction is given to the respondents for deciding the representation.

4. In the result, we dispose of this O.A. at the stage of admission with a direction to the respondents that if the applicant makes a representation regarding his grievance within a week from today, the same shall be decided by the respondents in terms of instructions, guidelines and rules on the subject within a period of one month from the date of its receipt. The respondents are directed to retain the applicant at Bhilwara till a decision is taken by them on the applicant's representation. If the applicant is still aggrieved by the decision taken on his representation he shall be at liberty to file a fresh O.A.

No order as to costs.

( USHA SEN )  
ADMINISTRATIVE MEMBER

( GOPAL KRISHNA )  
VICE CHAIRMAN

"MS"