

39 (8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

\* \* \*

Date of Decision: 25.7.96.

OA 63/96

S.G. Joshi

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Kamal Dave

For Respondents No.1 to 5

... Mr. M.R. Swamy, brief holder for

Mr. P.P. Choudhary

For Respondent No.6

... Mr. B. Khan, brief holder for

Mr. J.K. Kaushik

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This is an application u/s 19 of the Administrative Tribunals Act, 1985, by the applicant, S.G. Joshi, challenging the impugned order at Ann.A-1 dated 2.2.96, by which he was transferred as Upper Division Clerk from the office of the Assistant Salt Commissioner, Jodhpur, to Bhavnagar Circle Office.

2. We have heard Mr. Kamal Dave, learned counsel for the applicant, Mr. M.R. Swamy, brief holder for Mr. P.P. Choudhary, counsel respondents No.1 to 5, and Mr. B. Khan, brief holder for Mr. J.K. Kaushik, counsel for respondent No.6. We have gone through the records of the case.

3. The transfer is assailed on the ground that the applicant's mother suffers from Cardiac trouble and high blood pressure and the applicant himself is a patient of low blood pressure and the mid-session transfer may hamper the studies of his children. It is also stated that the order has not been passed in public interest but in fact the order was made to accommodate respondent No.6. The transfer order has been challenged on the ground of competence also.

4. On the contrary, the respondents have stated that the order of transfer was passed by the Deputy Salt Commissioner (Hqrs.). The respondents have also stated that the order having been issued by a competent authority, is not challengeable. However, during the course of arguments, the learned counsel for the applicant has produced a

representation made to the concerned authority on 4.7.96 and wants the same to be disposed of on merits.

5. In the circumstances, the present OA is disposed of with a direction to respondent No.2 to consider the applicant's representation and decide the same within a period of two months from today. No order as to costs.

*S. P. Biswas*

(S.P. BISWAS)

ADMINISTRATIVE MEMBER

*Gopal Krishna*

(GOPAL KRISHNA)

VICE CHAIRMAN

VK