

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. 132/1998

Date of Order : 25.5.1998

Surbjeet Singh, Daily Rated Driver, Bikaner Central Sub Division I,
C.P.W.D., Bikaner.

Applicant.

Versus

1. The Union of India through
The Secretary,
Ministry of Urban Development,
Govt. Of India,
New Delhi.

2. The Supdt. Engineer,
C.P.W.D.,
Jodhpur.

3. The Executive Engineer,
Bikaner Central Division,
C.P.W.D.,
Bikaner.

4. The Asstt. Engineer,
Central Sub Division I,
C.P.W.D.,
Bikaner.

Respondents.

Mr. Kamal Dave, Counsel for the applicant.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

BY THE COURT :

Applicant, Surbjeet Singh, in this application under section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs :-

- "8.1 the order dated 14.5.1998, may kindly be quashed and set aside qua the applicant.
- 8.2 alternatively the respondents may be directed to allow usual allowances as admissible to the transferring employees and till the same is allowed they may be restrained from the implementing

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the transfer order qua the applicant.

- 8.3 Any other appropriate order or direction which may be considered just and proper in the light of above, may kindly be issued in favour of the applicant.
- 8.4 Costs of the application may kindly be awarded in favour of the applicant."

2. Heard the learned counsel for the applicant. The applicant joined the respondent department as a Daily Rated/Casual Driver with effect from June, 1988. He was appointed as Casual Driver at Amritsar, under a project and then he was shifted to Bikaner, in the month of October, 1988 as the work of entire project itself was shifted. Applicant has been serving as Daily Rated Driver at Bikaner since October, 1988. However, the respondent No. 3 passed an order transferring the applicant from Bikaner to Anupgarh vide the impugned order dated 14.5.1998. It is contended that since the applicant is serving as a Casual Driver in the respondents' department, he is not liable to be transferred. Applicant has not been allowed TA despite his request. Applicant made representation but the same did not evoke any response. Learned counsel for the applicant has drawn attention to the representation at Annexure A/2 dated 18.5.1998 and Annexure A/3 dated 18.5.1998 and wants the same to be decided in accordance with the rules and instructions on the subject.

3. In the circumstances, the present application is disposed of at the stage of admission with a direction to respondent No. 2 to decide the applicant's representation at Annexure A/2 and Annexure A/3 dated 18.5.1998 through a detailed speaking order on merits in accordance with the rules, instructions and guidelines on the subject within 15 days from the date of receipt of a copy of this order. Let a copy of the OA and the Annexures thereto be sent to respondent No. 2 alongwith a copy of the order. The applicant may file a fresh OA if he is aggrieved by any decision taken on his representation.

G. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN.

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