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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH.**

O.A.NO.98/2006

May 4, 2006.

CORAM : HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN.

Oma Ram Saran son of Shri Bhera, aged about 38 years, resident of Rampura Bhatia, Tehsil Osian, District Jodhpur, at present employed on the post of SCD (OG) in the office of Locust Warning Organization, Jodhpur.

By : Mr. Rajesh Shah, Advocate.

Versus

1. Union of India through its Secretary to the Govt. of India, Ministry of Agricultural (Department of Agricultural & Cooperative) Krishi Bhawan, New Delhi.
2. The Plant Protection Advisor to Govt. of India, Directorate of Plant Projection, Quarantine & Storage, NH-IV, Faridabad 121001 (Haryana).
3. Deputy Secretary & Chief Administrative Officer, Directorate of Plant Protection, Quarantine & Storage, NH-IV, Faridabad 121001 (Haryana).
4. Manohar Singh, SCD (OG), Office of the Locust Warning Organization, Air Force Road, Jodhpur.
5. Anil Tak, SCD (OG), Office of Locust Warning Organization, Air Force Road, Jodhpur.

By : None.

ORDER(ORAL)

KULDIP SINGH, VC

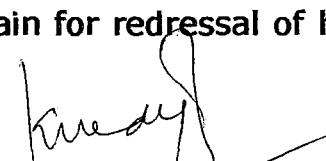
The facts of the case as stated by applicant are that he was appointed as Driver on 19.3.1990 at Jodhpur. Respondent No.4 is working at Jodhpur since last 34 years and respondent no.5 was posted at Jodhpur in the year 1996. So, respondent no.4 is senior to him and respondent no.5 is junior to him. However, the respondents have transferred the applicant vide order dated 10.4.2006 (Annexure A-1) from Jodhpur to Bikaner, alongwith post. The allegation of applicant is that he has been transferred with a view to accommodate favourites of respondents. The transfer is in violation of Transfer Policy which provides that in ordering transfer, principle of first come first go is to be followed. There is no administrative interest or exigency of services in transfer of the applicant and no

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public interest is involved. The applicant is faced with humiliation and frustration and his service career is going to be jeopardized for none of his fault. Moreover, if there was abolition of any post, then the junior most has to go and not the applicant who is quite senior. Thus, transfer order stands vitiated on this ground also. I have considered the submissions made by learned counsel for the applicant at bar carefully.

I find that the applicant has not even represented the respondents bringing to their notice shortcoming in the transfer orders, on the basis of which which this O.A has been filed, so that they could have taken a decision on the same. Learned counsel for the applicant submitted that he may be allowed to file a representation to the respondents and till decision on the representation, operation of transfer order may be stayed.

I find the prayer of the learned counsel for the applicant quite reasonable. This O.A is thus disposed of with liberty to the applicant to file a comprehensive representation to the Respondent No.3, within a period of two days from today and this O.A. Be also treated as part of the representation, and the respondent no.3 is directed to decide the representation to be filed by applicant within a period of 15 days from the date of receipt of such representation by passing a speaking order thereon and convey the same to the applicant. Till then, the operation of the impugned order, Annexure A-1, dated 10.4.2006 with regard to the applicant only, is stayed. If the applicant feels aggrieved by the order to be passed by the respondents on his representation, he will be at liberty to approach this Tribunal again for redressal of his grievance as per rules and law.


(KULDIP SINGH)
VICE CHAIRMAN

May 4, 2006

HC

Recd. Copy
Bhakti
9/5/06

Cop'n of Order
Letter issue
P-1 to P-5
Vide No. 30
Vide No. 34
D/5/06

Part II and III destroyed
in my presence on 04.04.14
under the supervision of
Section Officer () as per
order dated 31/1/14.....

~~Section Officer (Record)~~