

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

Original Application No. 156/2008

Date of order: 29.07.2008

**HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.**

Vishnu Dutt Sharma s/o Shri Laxminarayan Sharma, by caste Sharma, aged about 47 years, resident of Ratangarh, District Churu, presently posted as Divisional Accountant in the Office of Executive Engineer, PHED Division Ratangarh, District Churu (Rajasthan).

...Applicant.

Mr. R.S. Choudhary, counsel for applicant.

**VERSUS**

1. The Union of India through the Secretary, Ministry of Finance, Department of Revenue, Government of India, South Block, New Delhi.
2. Dy. Accountant General (Accounts), Office of the Accountant General (A&E), Rajasthan Central Revenue Building, Statute Circle, Jaipur.

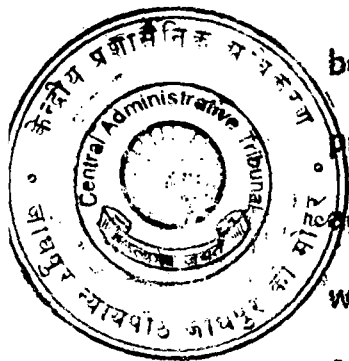
...Respondents.

**ORDER**

**[ Per Mr. Justice A.K. Yog, Judicial Member ]**

Heard Shri R.S. Choudhary, Advocate, appearing on behalf of the applicant / Vishnu Dutt Sharma who has filed present Original Application No. 156/2008 being aggrieved against the impugned transfer order dated 04.07.2008 along with corrigendum dated 08.07.2008, photo-stat copies filed as Annexure A/2 and A/1, respectively.

The applicant has been transferred vide office order No. 110, dated 04.07.2008 (Annex. A/2) issued by the office of the



*[Signature]*

Accountant General (A&E), Rajasthan, Jaipur, and directed to join at the office of the Executive Engineer, PWD, NHW, Division Bikaner with immediate effect. Said order of transfer was, however, modified by means of corrigendum dated 08.07.2008 and required to join at the office of Executive Engineer CAD Jaisalmer Division I, Jaisalmer (instead at the office of Executive Engineer PWD, NHW, Division Bikaner).

Heard learned counsel for the applicant and perused the pleadings as well as documents annexed with this O.A.

Taking into account the facts pleaded in this O.A. and having perused the documents filed along with this O.A., it transpires that the applicant had submitted representations dated 11.07.2008 and 21.07.2008 along with medical certificate and other documents, photo-stat copies of the representations have been filed as Annexure A/9 and A/10 to the O.A., respectively, before the Accountant General, Rajasthan, Jaipur.



Request of the applicant is that he should not be posted at Jaisalmer where there is no medical facility for the treatment for 'heart ailment' from which he suffers. The applicant also mentioned in the representation that marriage of his daughter is also proposed during this year.

It is well settled law that normally Court / Tribunal should not interfere in the transfer order/s and an aggrieved employee

*by*

should approach the employer and make his grievance for revocation / modification of transfer order on personal grounds / circumstances which the employer may consider adopting compassionate / sympathetic approach on humanitarian grounds.

The applicant has already approached the concerned authorities for revocation / modification of his transfer from Jaisalmer to another suitable place.

In view of the above, I direct the applicant to file a certified copy of this order along with additional representation (if any) as well as complete copy of this O.A. (with all annexures) before the concerned competent authority / respondent No. 2 - Deputy Accountant General (Accounts) and / or any other competent authority including Accountant General, Rajasthan, Jaipur within one week from today and such authority shall pass appropriate order taking into account all the circumstances in the light of the observations made above.



I further provide that the applicant shall not be disturbed in pursuance of the impugned orders referred to above, if he has not already handed over charge of the post and not been relieved so far from his working place at Ratangarh, District Churu, till the decision of the said representations. The impugned orders of transfer dated 04.07.2008 as well as corrigendum dated 08.07.2008, Annexure A/2 and A/1,

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respectively, shall remain in abeyance and abide by the order passed on the representation/s of the Applicant.



The Original Application No. 156/2008 stands finally disposed of subject to the above directions.

No order as to costs.

[ A.K. YOG ]  
JUDICIAL MEMBER

Kumawat

copy released  
llh  
30.07.08

NO. 62 to 63.  
DT. 31.2.08.

part ii and iii destroyed  
in my presence on 15/2/08  
under the supervision of  
section officer ( ) as per  
order dated 19/8/20/4  
[Signature]  
Section officer (Records)