

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**O.A.No. 211 of 2010.
JODHPUR THIS IS THE 17TH DAY OF AUGUST, 2010.**

**CORAM:
HON'BLE DR. K.B.SURESH, MEMBER (J)**

Jagmohan Singh Rawat S/o Shri Mukand Singh Rawat, aged about 50 years, resident of Quarter No. 7, Type-3, CPWD Colony, Opposite Church, Jaipur Road, Bikaner.

.....Applicant.

[Mr. A.K. Kaushik, Advocate, for applicant]

Vs.

- 1- Union of India through Secretary to the Government of India, Ministry of Urban Development, Central Public Works Department, Nirman Bhawan, Maulana Azad Road, New Delhi.
- 2- Director General of Works, Central Public Works Department, Nirman Bhawan, Maulana Azad Road, New Delhi.

.....Respondents.

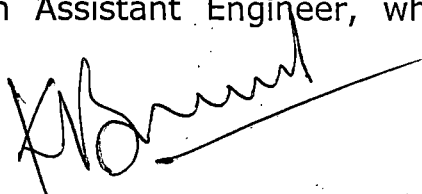
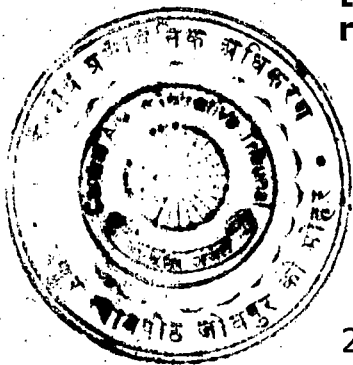
[Mr. Vikas Seoul proxy for Mr. Vineet Mathur, Advocate, for respondents].

**ORDER (ORAL)
BY THE COURT**

Heard both the Counsels.

2- The learned Counsel for the respondents submits that following an order passed by the Principal Bench of this Tribunal, they are inclined to consider the representation from the applicant and within a specific frame, they will consider the same, thus, this O.A. be closed.

3- After hearing both the sides, I do not find any reason to go against the wish of the respondents. The applicant had canvassed apparently three points; viz. firstly, the applicant had completed 50 years of age on 29th June, 2010 and, therefore, the impugned transfer order dated 23rd July, 2010 would over-ride the main object of the guidelines and the policy of inter-regional transfer of an Assistant Engineer, who had completed fifty years of age;

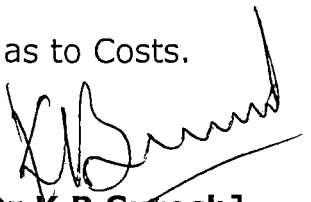
secondly, in Para 2.7 of Annex.-'B' of the Transfer Guidelines, attached along-with the short reply, envisages that the Assistant Engineers who have completed 50 years of age and ladies shall normally not be posted to hard area or out of region and thirdly, the Hon'ble Apex Court, had directed that mid-academic session transfer of an employee may be avoided. The respondents would also concede that the applicant may have school going children and, therefore, under the beneficial ambit of the decision.

But, the respondents would say that on the basis of Paragraph 21 of the order of the Principal Bench in OA No.1936 of 2010 dated 16th July, 2010, a right occurs to the applicant to file a representation and that if he files they will consider the same energetically in consonance with the Guidelines. Therefore, the following orders are issued :-



- (i) The applicant is directed to submit a representation before the concerned respondent requesting for termination of the transfer order on the three grounds or any other appropriate ground(s) he wishes to highlight.
- (ii) On receipt of such a representation, the concerned respondent shall pass a speaking order within a month of the date of receipt of such representation.
- (iii) The applicant shall file a detailed representation which he deems fit within a month from today and
- (iv) During the pendency of consideration of such representation and further for a period of one month, the applicant shall not be disturbed from the place of present posting.

4- The O.A. is disposed of as above with no order as to Costs.


[Dr.K.B.Suresh]
 Judicial Member

दिनांक 17/12/17 के आदेशानुसार
मेरी उपस्थिति में दिनांक 11/21/16
को धारा-11 के अंतर्गत किया गया।

अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिनियम
जोधपुर न्यायपीठ, जोधपुर