

Central Administrative Tribunal, Lucknow Bench

Original Application No. 417/2003

this the 1st day of September, 2003

HON'BLE MR. A.K. MISRA, AM

HON'BLE SMT. MEERA CHHIBEER, JM

Mahesh Chandra aged about 54 years son of late
Ram Charam resident of 68/241, Jauhari Asharam,
Chhitawapur pajawa, Lucknow.

....Applicant

By Advocate: Sri Y.S. Lhoit

Versus

1. Union of India through Secretary, Department of Expenditure, Controller General of Accounts, Ministry of Finance, Lok Nayak Bhawan, Khan Market, New Delhi.
2. Chief Controller of Accounts, Ministry of Steel and Mines, Udyog Bhawan, New Delhi.
3. Controller of Accounts, Central Accounts Office, Department of Mines, GSI, 16 A Bravourne Road, Kolkatta.
4. Senior Pay and Accounts Officer, Pay and Accounts Office, GSI, Northern Region, Sector E, Aliganj, Lucknow.

...Respondents

By Advocate: Sri Sunil Sharma

ORDER (ORAL)

MR. A.K. MISRA, AM

The applicant of this O.A. has prayed for quashing of the impugned order dated 13.8.2003 and 29.7.2003 as contained in Annexure No. 1 and 2.

2. Learned counsel for the parties have been heard.

3. The applicant who was working as Assistant Accounts Officer in Lucknow was transferred to Shillong on promotion as Pay and Accounts Officer.

Prior to the promotion, the applicant by representation dated 23.5.2003 represented not to

transfer him to Kolkata as proposed in view of the difficult personal problems which included the poor health of his aged mother and the problems relating to his mentally retarded sister who was abandoned by her in-laws long ago, both of whom are being looked after by the applicant. Further it was submitted that the applicant's wife is also working in the State Government and transfer of the applicant to a far off place like Shillong would cause a lot of burden on him. The applicant was transferred on promotion as Pay and Accounts Officer. The applicant made a further representation on 30.6.2003 stating that he is also prepared to forgo^e his promotion and accordingly he requested that he may be retained at Lucknow on the lower post on which he was working. The representations of the applicant were rejected by the impugned orders dated 13.8.2003 and 19.7.2003 wherein it was stated that the transfer of the applicant is in accordance with the parameters laid down in the letter dated 28th July, 2003 issued by the office of the Controller General of Accounts, New Delhi. In this letter of 28th July, 2003, it has been stated that all representations made against transfers on account of personal problems have to be rejected forthwith and representations against transfer where promotion is also being refused may be considered only in case of acute diseases like Cancer, Renal failure, blindness etc.

4. On behalf of the respondents it was submitted that the representations of the applicant have also been rejected and now there is no ground for retaining the applicant at Lucknow as per guide lines of 28th July, 2003, ^{and} the applicant has to join on promotion at Shillong.


5. During the course of hearing learned counsel for the applicant stated at the bar after verifying



from the applicant who was present in the court room that the applicant has not been relieved so far. We find that the representations of the applicant decided by order dated 13.8.2003 and 29th July, 2003 have been rejected without taking into account the grounds and reasons given by the applicant in his representations dated 3.6.2003 and 23.5.2003, since the grounds and reasons given by the applicant have not been taken into account, we dispose of this O.A. with the directions to the applicant to make a fresh representation to the competent authority within a period of 10 days from the date of receipt of this order and the competent authority is directed to dispose of the applicant's representation by speaking and reasoned order after considering the grounds taken by the applicant sympathetically within a period of 2 months from the date the applicant's representation is received by the competent authority. We also provide that the applicant shall enclose a copy of the fresh representation along with a copy of this order to enable the competent authority to decide the applicant's representation within given time frame. Till such time as the applicant's representation is not decided, the applicant shall not be relieved from lucknow and shall be allowed to perform his duties and be paid salary and usual allowances.

6. The O.A. is disposed of as above without any order as to costs.


MEMBER (J)


MEMBER (A)

LUCKNOW:DATED:1.9.2003

HLS/-