

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO: 168/2006.

This the 10th day of April 2006.

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN.

Aditya Asthana aged about 46 years, son of Late J.P. Asthana, resident of 8, Faizabad Road, Lucknow.

Applicant.

By Advocate Shri Subodh Dixit for Shri Peeyush Shukla.

Versus

1. Union of India, through the Secretary, Ministry of Water Resources, New Delhi.
2. The Secretary, Establishment-11, Central Water Commission, New Delhi.
3. The Chief Engineer, Upper Ganga Basin Organization, Central Water Commission, Lucknow.
4. The Superintending Engineer (Coordination), Jhanvi Sadan, Indira Bhawan, Lucknow.
5. The Executive Engineer, M.G.D.-11, Central Water Commission, Lucknow.

Respondents.

By Advocate Shri P K. Srivastava for Shri N.H. Khan. .

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Heard Shri Subodh Dixit for Sri Piyush Shukla appearing for the applicant and Shri P.K. Srivastava for Sri N.H. Khan appearing for the respondents in this O.A. and also perused the contents of the application and the papers annexed with.

2. The applicant appears to be aggrieved of order dated 12.1.2006 (Annexure 1) by which he was promoted to the grade of Professional Assistant (H.M.) in the pay scale of Rs. 5000-150-8000 on regular basis in Central Water Commission and of order dated 30.1.2006 (Annexure 2) by which he was posted at Dehradun in the said scale. What he has alleges is that he wanted his accommodation on the promoted post in the same establishment at Lucknow but the authorities did not accede to that request and relieved him w.e.f. 7.4.2006. The applicant has tried to describe the family circumstances including his poor financial conditions so as to make out a case for his accommodation at Lucknow. He says that he has given representation for the purpose

but authorities have not taken any decision thereon. The learned counsel for the respondents has however, tried to say that the request of the applicant for adjusting him at Lucknow has already been rejected. Sri Dixit states that another representation has been given in which the applicant has stated that he is prepared to forego his promotion, if he could not be adjusted here at Lucknow.

3. The Tribunal is of the view that there is no point in keeping this petition pending and in calling counter reply etc. and the purpose may be served if the authority concerned is asked to reconsider the request of the applicant for adjusting him here at Lucknow or for considering his request to forego the promotion. The Tribunal is not expressing any opinion on those points and it will be the sole discretion of the authority concerned to accept or not accept^{to accept} the request.

4. Accordingly, the petition is finally disposed of with a direction to respondent No. 3 namely The Chief Engineer, Upper Ganga Basin Organisation, Central Water Commission, Lucknow to reconsider the request of the applicant made in representation dated 14.3.2006 (copy of which is annexed at Annexure 6 to the application) within a period of 15 days from the date the copy of this order together with the copy of the said representation, is produced before him. No order as to costs.


(Khem Karan)

Vice Chairman.

v.