

Central Administrative Tribunal Lucknow Bench Lucknow.
O.A. 373/2006.

This, the 25th day of August, 2006.

Hon'ble Mr. N. D. Dayal, Member (A)

Ishaq Mohammad, aged about 47 years, son of Shri Nanhe, resident of T-43-B, Haider Canal Colony, Charbagh, Lucknow.

Applicant.

By Advocate Shri Praveen Kumar.

Versus

1. Union of India through the General Manager, Northern Railway, Baroda Hose, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.

Respondents.

By Advocate Shri S. Lavania.

Order(Oral)

By Hon'ble Mr. N.D. Dayal, Member(A)

The learned counsel for the applicant has submitted that in this matter, the applicant is seeking intervention of the court in order to effect his transfer from Lucknow to Tundla by in terms of circular of the department and keeping in view the request made by the applicant to the authorities as annexed with the application. The learned counsel for the respondents has taken three preliminary objections. First is that in terms of Section 21 1 (b) where an appeal or representation has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months, The applicant may approach the court and not otherwise. The second objection is that appeal or representation must be in pursuance of statutory provision in that regard. The third objection is that the present O.A. is not properly verified in terms of the rules.

2. At this stage, learned counsel for applicant submits that he has made a request to the department seeking the transfer ~~to~~ which has not yet been considered and ^{is} still pending for consideration with them and in that view of the matter, the objection ~~of~~ limitation could not be raised. I find force in the submission of counsel for applicant. However, ^{keeping} in view the provisions of Section 20 of the AT ACT, 1985, since the departmental remedy has not yet been exhausted, the respondents are directed to consider the representation for transfer submitted by the applicant within a period of three months from the date of receipt of copy of this order and in accordance with law and inform the applicant. No costs.



(N.D. Dayal)

Member(A)