

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Original Application No. 401/2011

This, the 30th day of September, 2011

HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Tarit Ranjan Das aged about 53 years son of late Khagandra Chandra Das, r/o GSI Colony, Quarter No. Type III/70, Sector Q, Aliganj, Lucknow.

Applicant.

By Advocate: Sri A.Moin

Versus

1. Union of India through Secretary, Ministry of Mines, Govt. of India, Shahstri Bhawan, New Delhi.
2. Director General, Geological Survey of India, 27, Jawahar Lai Nehru Road, Kolkatta.
3. Deputy Director General (Northern Region), Geological Survey of India, Sector E, Aliganj, Lucknow.

Respondents.

By Advocate: Sri R.Mishra

ORDER (Dictated in Open Court)

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

Heard and perused the record.

2. This O.A. has been filed impugning the transfer order dated 30.8.2011/1.9.2011 passed by respondent No. 2 (Annexure A-1) so far it pertains to the applicant with all consequential benefits.

3. After filing of the O.A., the representation dated 1.9.2011 was disposed of vide order dated 29.9.2011. Therefore, consequential amendments were made with permission of the Tribunal and now rejection order has also been impugned. It is said that there is no transfer policy in the Department. Several transfer orders made earlier by the Deptt. have been kept in abeyance vide orders dated 5.9.2011 (Annexure A-8) and 14.9.2011 (Annexure 7). The applicant is holding the post of Administrative Officer Grade II and there is scarcity of the officer in the Department on account of which the respondent No.3, the Head of Office wrote to respondent No.2 (HOD) on 6.9.2011 for cancellation of the order of transfer of the applicant because of functional requirement of North Region. But even this request was not considered.

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4. Learned counsel submits that the respondent No.2 has acted arbitrarily and there is a gross discrimination as submitted above. It is also submitted that as would be evident from the perusal of the order dated 29.9.2011, by means of which, the representation has been rejected, no reasons whatsoever has been assigned due to which the applicant is feeling handicapped to challenge this order on specific grounds. He further submits that the order is claimed to be in public interest but this factum has not been mentioned even in the aforesaid rejection order. Lastly, it is submitted that one Mohd. Naseem Khan has recently been diverted from Chandigarh to Calcutta on the post where the applicant has been transferred. Therefore, he submits that the pretext of public interest or administrative exigency becomes meaningless.

5. Though the learned counsel for the respondents wants five weeks time to seek instruction but having regard to the aforesaid facts and circumstances, I intend to dispose of this O.A. finally at the admission stage with the following observations/ orders:-

This O.A. is finally disposed of quashing the order dated 29.9.2011 so far it relates to the applicant, by means of which the representation of the applicant has been rejected. Having regard to the peculiar facts and circumstances as discussed hereinabove, it is however, provided that the applicant shall move an exhaustive representation afresh within 2 weeks from today along with certified copy of this order and the same shall be disposed of by the respondent No.2 by passing a speaking and reasoned order. Till then, the impugned transfer order dated 30.8.2011/1.9.2011 shall be kept in abeyance so far it pertains to the applicant. No order as to costs.

Alok Kumar Singh
(Justice Alok Kumar Singh) 30.9.11
Member (J)

HLS/-