

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 352 of 2012

This, the 24th day of October, 2013.

HON'BLE SHRI NAVNEET KUMAR MEMBER (J)

1. Govind Prasad Shukla aged about 53 year S/o Sri Hare Ram Shukla, R/o 2/380, Jankipuram Vistar Lucknow.
2. Ajeet Kumar Saxena aged about 54 years S/o Late Sri Om Prakash Saxena R/o 2/380, Jankipuram Vistar Lucknow.

Applicants

By Advocate Sri A. Moin.

Versus

1. Union of India through Secretary, Ministry of Water Resources, New Delhi.
2. Central Water Commission, Sewa Bhawan R. K. Puram New Delhi through its Chairman.
3. Under Secretary, Central Water commission, Sewa Bhawan R. K. Puram New Delhi.
4. Member, River Management, Central Water Commission, Sewa Bhawan R. K. Puram New Delhi.
5. Chief Engineer (HRM), Central Water Commission, Sewa Bhawan R. K. Puram New Delhi.

Respondents

By Advocate Sri Pankaj Awsthi for Sri R. Mishra.

(Reserved 9.10.2013)

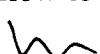
ORDER

By Hon'ble Sri Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following reliefs:-

- "(a) To quash the impugned Transfer Order dated 3.9.2012 passed by Respondent No. 3 as contained in Annexure A-1 to the O.A. with all consequential benefits so far as it pertains to the applicants.
- (b) To direct the Respondents to allow the applicants to continue at Lucknow on the post of Senior Research Assistants with all attendant benefits.
- (c) To pay the cost of this application.
- (d) Any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case be also passed.

2. The main contention of the applicant is that by virtue of the order dated 3.9.2012, the applicants were transferred from Lucknow to Coimbatore and Lucknow to Jammu respectively.



3. During the course of the arguments, it was pointed out by the learned counsel for the respondents that the applicant No.1, who was working as Senior Research Assistants was promoted as Assistant Research Officer and posted at Bhubneshwar. Apart from this, it is also pointed out by the learned counsel for the applicant that earlier, there were 5 sanction posts and out of 5 sanction posts, 7 persons were working. As such, 2 persons being excess then the sanctioned post, Shri Govind Prasad Shukla and Ajeet Kumar Saxena (Applicants) were transferred. It is also pointed out by the learned counsel for the applicant that now the position is that there are 4 sanction posts of Senior Research Assistants in Lucknow. Out of seven, those who are working earlier, 2 persons have been promoted as Assistant Research Officer namely, Govind Prasad Shukla and K. B. Singh by means of an order dated 30.7.2013 and one Sri Teerath Raj Ram expired in the month of March 2013. As such, only 4 person are left who are working as Senior Research Assistant including the applicant No.2. As such, it is pointed out by the learned counsel for the applicant that he can be very well be adjusted in Lucknow because now instead of 5, there is only 4 sanction post and 4 persons are working as well including the applicant.

3. The learned counsel appearing on behalf of the respondents fairly submitted and agreed with the submissions by the learned counsel for the applicant, but he pointed out that he is required to make a request for adjusting him in Lucknow against the sanction post and in case such a request is made, the same shall be considered sympathetically within a reasonable period of time.

4. Considering the submissions made by the learned counsel for the parties, I deem it appropriate in the interest of justice to issue a direction to the applicant to make a request to the authorities concerned for adjusting him in Lucknow against sanction post and the competent authority shall consider and decide the request of the applicant sympathetically within a period of one month from the date of



submissio of such request and till such decision, the interim order granted earlier shall continue.

5. With the above observation the O.A. stands disposed of. No order as to costs.

U.P. Arora
(Navneet Kumar)
Member (J)

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