

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No. 327 of 1992

Ajai Bihari Srivastava, Applicant

Versus

1. Union of India; through the Secretary,
Ministry of Steel & Mines, Civil Secretariat,
Shastri Bhawan, New Delhi.

2. Director General,
Geological Survey of India,
27, Jawahar Lal Nehru Road,
Calcutta-16.

3. Deputy Director General,
Northern Region,
Geological Survey of India,
2nd floor, A Block, Sector E,
Aliganj, Lucknow - 226020.

4. Director-incharge (Operation)
Uttar Pradesh,
Geological Survey of India,
Northern Region,
6th floor, B Block, Sector E,
Aliganj, Lucknow-226020

. Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer to quash the impugned transfer order dated 8.6.1992 (annexure -3), as far as applicant is concerned, whereby the applicant has been transferred from Lucknow to Shilong.

2. Briefly, stated the facts of this case, inter-alia, are that the impugned transfer order has been passed arbitrarily, illegally and mala-fide intention. It has further been stated that the applicant who should have been promoted to the post of Geologist (Senior) w.e.f. 30th March, 1985, is still working as Assistant Geologist i.e. two ranks below while persons junior to him have already been promoted about 15 years ago and applicant has been deprived

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of his genuineⁿ, It has further been stated that the applicant has presented an application, which is numbered as O.A. 387 of 1982 and wherein 10.8.1992 has been fixed for hearing, and it has further been stated that the impugned transfer order has been passed with a view to harm and harass the applicant in as much as the applicant shall not be able to do parvi in his aforesaid case.

3. The learned counsel for the applicant while drawing my attention to the contents of the application and to the papers annexed thereto, has urged that representation of the applicant dated 11.7.1992 (annexure-4) has still not been decided by the respondent no. 2 and the same is still lying undecided with him; and has further urged that if the ~~above~~ representation (annexure-4) is decided early by the respondent no. 2 by reasoned and speaking order in accordance with extant rules, the grievance of the applicant may be substantially redressed. The learned counsel for the respondents also feels that the above representation of the applicant be decided early.

4. Having considered all the view points and all the aspects of the matter, I find it expedient that the ends of justice would be met if the respondent no. 2 is directed to decide the above representation of the applicant dated 11.7.1992 (annexure-4), by reasoned and speaking order in accordance with extant rules, regulations and

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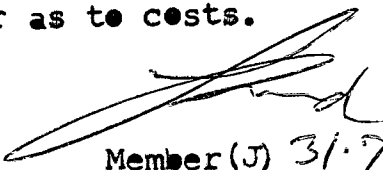


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guide-lines regarding transfer of such employees, within a period of two months from the date of the receipt of the copy of this order or as early as possible and the operation of the impugned order dated 8.6.92 (annexure-3), as far as the applicant is concerned, shall remain stayed for a period of two months or till the decision of the above representation by the respondent^{no. 2}, whichever ever is earlier, and I order accordingly.

5. The ^{application} ~~operation~~ of the applicant is disposed of as above without any order as to costs.


Member (J) 31.7.92

Lucknow Dated 31st July, 1992.

(RKA)