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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. No. 626 of 1992.

Bishambhar Dayal KurikApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr. Justice U.S. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant who is a Pharmacist, has been transferred from Hardoi district to Jharapani, Dehradun. According to the applicant, he has been transferred because of fictitious complaint made by some MLA but later on on coming to learn the same, the MLA wrote a letter to authority concerned that he never made a complaint and some one had sent a letter in his name and under his signature and it was forged signature and yet the same has been enacted upon.

2. Although no counter affidavit was filed but Shri Asit Kumar Chaturvedi, who has put in appearance on behalf of the respondents, has stated that the order has not been passed on the basis of any complaint of MLA and the transfer order has been passed in exigency of situation and administrative necessities.

3. The applicant's grievance is that he is a Pharmacist and has only four years of service. It is difficult for him to take his children in the mid-session at a distant place like Jharapani. In the transfer order normally no interference is made. Morese, a representation has already been filed by the applicant which is still pending. Accordingly, the respondents are directed to dispose of the representation, filed by the applicant within a period of three weeks from the date of communication of this order taking into consideration the grievances of the applicant. It wi

be open for the respondents to transfer the applicant to a nearer place than District Dehradun. In case, the copy of the representation is still not available, it will be open for the applicant to send yet another copy of the same to the respondents who will consider the grievances and will pass a speaking order. With these observations, the application is disposed of finally. No order as to costs.

Parbat Singh
MEMBER (A)

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VICE CHAIRMAN.

DATED: JANUARY 4, 1993.
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