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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.No.670 of 1992

A.S.BistApplicant.

Versus

Union of India & othersRespondents.

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

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

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

This application is directed against the order dated 9.11.92 by which commercial and financial powers of the applicant have been taken away as well as against the transfer order dated 10.12.92 by which the applicant has been transferred from Haldwani to Varanasi and has been relieved.

2. Shri K.C.Sinha, who appeared on behalf of the respondents , opposed this application.
3. The first order has been passed because despite of issue of various letters to the applicant, he was still doing the task contrary to Rule 3 of CCS (Conduct) Rules and the second order is the transfer order which has been passed by the G.M.T communicated through the Telecom.District Engineer. These two causes of action cannot be jointed together and as such the application is being treated against the transfer order. The transfer orders are passed in exigency of service and in this case it also appears that the transfer order has been passed in exigency of service. It may be that because of seizure of papers and non-compliance may be one of the motive for transferring the applicant but from that it cannot be inferred that it is infact a transfer malafide/order and the order has been passed by way of punishment. It is true that the applicant has been transferred from Hill area to Varanasi but the transfer order has already come into effect. The applicant has already filed a representation against the transfer order. The Department can now consider the representation

of the applicant as we do not find any ground at this stage to interfere with the same. Accordingly, the respondents are directed to consider the representation filed by the applicant against the transfer order dated 10.12.92 within a period of three weeks taking into consideration the grievance of the applicant and they will pass a speaking order. But for the above observations, the application is otherwise dismissed. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: J ANUARY 4, 1993.

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