

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.No. 304/03

Wajid Nawaz Khan vs. U.O.I. & others

4.7.03

HON. MR. RAFIQ UDDIN, MEMBER(J)

Shri Y.S. Lohit for applicant and Shri Anil Kumar for respondents.

2. During the course of arguments, the learned counsel for the applicant has not pressed the relief for quashing of the impugned order dated 1.5.03(Annexure A-3 to the O.A.) and order dated 23.6.03(referred to in Annexure A-2) with liberty to file fresh O.A.

3. The learned counsel for the applicant has argued on the validity of the transfer of applicant from Lucknow Region to Shillong Region mainly on the ground that the transfer order has been passed as a punitive measure because the departmental proceedings has been initiated against the applicant because of the alleged misbehaviour of the petitioner. It is also stated that unless the charges levelled against the applicant are proved, the respondents should not have transferred the applicant from Lucknow Region to Shillong Region.

4. The learned counsel for the respondents raised a preliminary objection that the applicant has approached the Tribunal without approaching the departmental authorities.

5 After hearing the learned counsel for the parties the O.A. is disposed of with the direction to the applicant to prefer a representation to the competent authority within a week which will be considered and decided by the competent authority within a period of two weeks from the date of receipt of such representation and the applicant will also be informed of the decision taken. Under the facts and circumstances, it is however

R

provided that till the representation submitted by the applicant is decided the applicant would not be compelled to join at Shillong and will be paid his salary and allowances etc. for the said period.

6. The O.A. is decided with the above directions. No orders as to costs.

Copy of this order be given to the parties today.

Rajendra

MEMBER(J)

Shakeel/

*Mr. Joran
eng. or 04/03
but 04/03/03*