

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.362/2009

This the 11th day of September, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Shiv Saran Saxena, aged about 50 years, S/o Raghu Nath Saran Saxena. Presently posted as Accounts-Clerk/Typist, Division Office, Lucknow.

.....Applicant

By Advocate: Sri B.R. Singh.

Versus

1. Director General, Nehru Yuva Kendra Sangthan, Delhi, East Plaza, Inira Gandhi Indoor Stadium, New Delhi.
2. Zonal director, Nehru Yuva Kendra Sangthan, Lucknow, 3/90 Vikash Khan Gomti Nagar, Lucknow.
3. Viirendra Khatri Nehru Yuva Kandra Sangthan (Headquarters), Delhi, East Plaza, Inira Gandhi Indoor Stadium, New Delhi.

.....Respondents

By Advocate: Shri K.K. Shukla for Respondent No. 1 and 2.

ORDER (Oral)

By Ms. Sadhna Srivastava, Member-J

The subject matter is transfer.

2. The applicant has challenged the order dt.29.08.2009 passed by Respondent No.2 i.e. Zonal Director, Nehru Yuva Kendra Sangthan, Lucknow, as contained in Annexure-A-1, whereby the applicant who is posted as Typist-cum-Clerk, Nehru Yuva Kendra Sangthan, Lucknow Division has been transferred to Uttrakhand Division, Dehradun. The impugned order has been challenged mainly on two grounds. Firstly, the



applicant has been subjected to frequent transfers without any valid reasons, which amounts to breach of Article-14 and 21 of the Constitution of India. Secondly, undue hardship has been caused on account of transfer from Lucknow to Dehradun. It is also pleaded that certain senior persons have been retained whereas, applicant has been transferred. Aggrieved by the said transfer order, the applicant filed a representation dt.3.09.2009, as contained in Annexure-A-8 before Respondent No.1, which is still pending.

3. The counsel for Respondent no. 1 and 2 Shri K.K. Shukla submitted that the transfer is not only an incident of service but it is a condition of service. He further submitted that the Court in the case of transfer should not interfere unless there is any malafides or any violation of rules shown.

4. Since the applicant has already approached the competent authority for redressal of his grievance through a representation, which is still pending therefore, I am of the view that the O.A. can be disposed of at this stage by giving direction to the Respondent No.1 to consider the representation of the applicant dt.3.09.2009, as contained in Annexrue-A-8 by passing a reasoned and speaking. However, till the disposal of the representation no coercive action should be taken against the applicant for joining at Dehradun.

5. The OA is disposed of accordingly. No order as to costs.


(Ms. Sadhna Srivastava)
Member-J