

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 290 of 1990 (L))

G.K. Nagchandi

... Petitioner

Vs.

Union of India and others

... Respondents

Hon'ble Mr. D.K. Agrawal, JM

Hon'ble Mr. K. Obayya, AM

J U D G M E N T

(Delivered by Hon'ble DK Agrawal, JM)

This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the above named applicant aggrieved with the order of transfer dated 22-8-1990 transferring him from Lucknow to Madras in the same capacity i.e. Administrative Officer under the Directorate of Song and Drama Division, Ministry of Information and Broadcasting, New Delhi. The applicant has come forward with a number of grounds which we need not deal at length. It is suffice to say that the applicant has already made a representation dated 27-8-1990 to Director, Song and Drama Division, Ministry of Information and Broadcasting, Government of India, New-Delhi, which has duly been forwarded by the Regional/Dy. Director, Song and Drama Division, Ministry of Information & Broadcasting, Lucknow on 28-8-1990. We are of the opinion that the transfer is an incident of service - all the same it is the bounden duty of the competent authority to take into account the hardship likely to be undergone by a public servant in regard to the transfer or his work and conduct in the department. It is urged before us that the applicant's work and conduct has been satisfactory

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throughout. It has been further contended on behalf of the applicant that the applicant may have been misunderstood by his superior for one or the other reasons and that the applicant has been straightforward in his conduct so far. However, even if it ~~would~~ be correct, we are of the opinion that it is for the competent authority to take in account all these factors and sympathetically consider the representation made by him. We hope that the competent authority would take into account all these facts before <sup>it</sup> ~~he~~ takes a decision on the representation made by the applicant on 27-8-1990. We, therefore, dispose of this petition with the direction to respondent no. 2 to dispose of the representation dated 27-8-1990 made by the applicant taking into account all the facts and, if possible, after giving an opportunity of personal hearing to the applicant and that the transfer in question will not be implemented till a decision <sup>is taken</sup> ~~is taken~~ on the said representation. The petition is disposed of accordingly without any order as to costs.

  
(A.M.)

  
(J.M.)

Dated : Lucknow

August 31, 1990.

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