

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

(24)

O.A. No. 407/91

Krishan Lal

Applicant

versus

Union of India & others

Respondents.

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

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The applicant who/earlier refused promotion but later on, during the pendency of the case was promoted in the year 1984 as Upper Division Clerk has been staying in Lucknow from 1964.

The grievance of the applicant is that he has been transferred on the basis of a complaint notwithstanding the fact that special protection has been given to the Scheduled Caste/Tribe persons. He has made reference to the circular of 1985 in which it has been stated that the Members of S.C/S.T. communities should be transferred only under special circumstances. The learned counsel for the applicant contends that special circumstances do not exist. Further, the applicant could have been transferred to a nearby place and not to Bombay where a low paid employee cannot maintain his family. He will have no accommodation at Bombay. Besides this his wife is a chronic patient of Asthama and his two daughters are studying in Lucknow. ~~At these matters ground~~

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All these matters could be considered by the transferring authority and not by court or Tribunal. In case the applicant files a representation before the authorities concerned within a week, the respondents will consider all the pleas including the distance, hardships, applicant's belonging to S.C. community etc. and dispose of the representation accordingly within a period of two weeks of the date of receipt of representation by them. In case it is considered proper not to retain the applicant at Lucknow who has been staying here since long he can be transferred to a nearer place, if not in this Session, at least from the next Session or even the transfer can be effected from some later date. With the above observations at this stage, the application is disposed of finally.

U. S. Singh
Vice Chairman.

Lucknow Dt. 16.10.91