

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 624/1992

1. R.A. Tewari

2. Ram Badan Sahani

Applicants.

versus

Union of India through the Secretary,
Ministry of Information and Broadcasting
New Delhi

Respondents.

Hon. Mr. S.N. Prasad, Member Judicial.

The applicants have approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for quashing the impugned transfer order dated 30.10.92 (Annexure No.1) transferring the applicant No. 1 from Lucknow to Aizwal (Mizoram) and the applicant No. 2 from Lucknow to New Delhi.

2. The main grievance of the applicants appear to be that they are Chowkidars in the category of Class IV employees and are low paid and have been transferred during mid session from the place of their present posting i.e. Lucknow to Aizwal (Mizoram) and New Delhi as specified in the impugned transfer order against the policy guidelines and far away from their home town, and thus the impugned transfer will ~~not~~ entail immense hardship to the applicants and their family members, will cause irreparable loss to their children by disturbing their studies.

3. I have heard the learned counsel for the parties.

4. The learned counsel for the applicant, while adverting to the contents of the application and the papers annexed thereto has argued that the impugned transfer order has been passed against the policy guidelines during mid-session and the applicant No. 1 has been transferred to far flung place Aizwal (Mizoram) and the applicant No. 2 has been transferred to New Delhi; and has further argued that by impugned transfer order, besides hardships ^{which} the applicant, and the family members would face, the career of the children of the applicant during mid session will also be marred by disturbing their ~~studies and the children of the applicant~~ ^{studies}. The learned counsel for the applicant has also urged that the representation of the applicant No. 1 Shri R.A. Tewari dated 13.11.92 which is Annexure No. 4, and the representation of the applicant No. 2 Shri Ram Badan Sahani dated 13.11.92 (Annexure No. 5) are still pending and have not been decided by the respondent No. 2, to whom the same have been addressed by the applicants; and has further urged that if the above representations of the applicants are decided by the respondent No. 2, at an early date, in accordance with extant rules, regulations, that will will go a long way in substantially redressing the grievances of the applicants, and as such a suitable direction be issued to respondent No. 2.

(43)

5. No doubt, the employee who is holding a transferable post, has no right for being posted at a particular station of his choice and any individual may be transferred due to administrative reasons in public interest at any time, but at the same time, the policy guidelines and the hardships and the problems of the individual concerned should be considered sympathetically to redress the grievance if practicable and possible.

6. This is significant to point out that the above representations of the applicants (Annexures 4 & 5) are still found to have been not decided by the respondent No. 2. Having considered all the view points and all aspects of the matter, I find that the ends of justice would be met if the respondent No. 2 is directed to decide the representations of the applicants dated 13.11.92 (Annexures 4 and 5) by a reasoned and speaking order, as early as possible and latest within a period of two months from the date of receipt of the copy of this order, in accordance with extant rules, regulations and orders in this regard, and till the decision of the above representations, the operation of the impugned transfer order dated 3.11.92 (Annexure-1) shall remain stayed, as far as the applicants are concerned, if the applicants have not been relieved so far; and I order accordingly.

7. The application of the applicants is disposed of as above. No order as to costs. It is made clear that

(5)

in case if the above representations of the applicants (Annexures 4 and 5) are not readily available with the respondent No. 2, then in that case the applicants shall furnish a copy of their representations to the respondent No. 2 within a period of 15 days from the date of receipt of a copy of this order to enable the respondent No. 2 to decide the above representations within the aforesaid specified period of time.

Shakeel/-

Lucknow: Dated 26.11.92.

Member Judicial. 26.11.92