

CENTRAL ADMINISTRATIVE TRIBUNAL

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Original Application No. 662 of 1992 (L)

Hari Prasad Applicant.

V E R S U S

Union of India & Others..... Respondents.

Hon'ble Mr. S.N. Prasad, Member (J)

The applicant has approached this Tribunal under section 19 of the Administrative Tribunal Act, with the prayer, inter-alia, for quashing the impugned order dated 5.11.92 and for further directions to the respondents to consider the representation of the applicant, dated 25.11.92.

2. Briefly stated the facts of this case that the applicant joined as Chowkidar on 23.12.87 at Varanasi centre in (Handicrafts) section, regular post of the scale of Rs. (750-12-870-EB-14-940) and later on he was transferred to C.W.T.C. at Biswa in District Sitapur on 8.1.88. Later on he was again transferred from Sitapur to District Lucknow and he has been rendering his service satisfactorily.

3. The main grievance of the applicant appears to be that since he filed O.A.no. 241 of 1990 in the Central Administrative Tribunal, Allahabad Bench, Allahabad, the authority concerned became annoyed and ultimately the applicant has been transferred by this impugned order dated 5.11.92 from Uttar Pradesh to farflung place, that is, Southern Region Madras and due to impugned transfer order the applicant would be put to immense hardship and difficulties.

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4. With a view to bring his problems and hardship to the notice of the authorities concerned, the applicant sent his representation (Annexure A-2) to the Additional Development Commissioner (Handicrafts), west Block No. VII R.K. Puram, New Delhi and the same has not been decided so far and is still lying pending with the authorities concerned.

5. I have heard the learned counsel for the applicant and have gone through the records of the case, and have considered the papers annexed to the application.

6. The learned counsel for the applicant while drawing my attention to the contents of the application has urged that the decision of the representation by the respondent no. 2 at an early date sympathetically will go a long way in substantially redressing the grievances of the applicant, and has further urged that the operation of the impugned transfer order be stayed till the decision of the above representation as the applicant is still working and has not been relieved so far pursuant to the above transfer order.

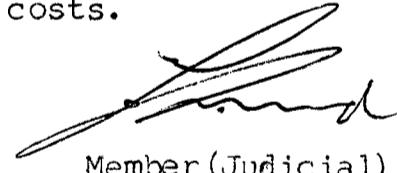
7. Annexure A-1 is the impugned transfer order dated 5.11.1992 whereby the applicant has been transferred to southern Region, Madras, and it appears that the above representation has not been decided so far by the authority concerned. Thus this being so and keeping in view all the aspects of the matter, I find it expedient that the ends of justice would be met if the respondent no. 2 (The Development Commissioner (Handicrafts), West Block VII R.K. Puram, New Delhi is directed to decide the above representation of the applicant dated 25.11.1992 (Annexure A-2) sympathetically by reasoned and speaking order in accordance with extant rules and regulations as

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early as possible latest within a period of two months from the date of the receipt of the copy of this judgement and the impugned transfer order dated 5.11.1992 (Annexure A-1) as far as the applicant concerned and if the applicant has not been relieved so far, shall remain stayed till the decision of the above representation dated 25.11.1992 (Annexure A-2); and I order accordingly.

7. The above application of the applicant is disposed of as above at admission stage; and it is made clear that in case the above representation of the applicant dated 25.11.1992 (Annexure A-2) is not readily available with the respondent no. 2, then in that case, the applicant ~~shall~~ furnish a copy of the above representation to the respondent no. 2 within a period of 15 days from the date of the receipt of the copy of this judgement to enable the respondent no. 2 to decide the above representation within the aforesaid specified period of time. No order as to costs.



Member (Judicial)

Lucknow Dated: 24.12.1992

(m.m.)