

O. A. - 1/96

1/3.1.1996

Hon'ble Mr. K.D.Saha, Member (A)

No one appears. Adjourned to 15.1.1996
for admission.

MFS.

(K.D.Saha)
Member (A)

2
15.1.96
CM

Hon'ble Shri K. D. Saha, Member (A)

Adjourned to 12.2.96 for admission.

(K.D.Saha)
Member (A)

3/12.2.1996

Hon'ble Mr. K. D. Saha, Member (A)

Heard the learned counsel for the applicant
Shri S. K. Verma. The applicant herein is working as
L.D.C. in Bagmati Kamla Balan Sub-Division, Central
Water Commission, Darbhanga. The submission of the
applicant is that he was initially appointed as Peon
in the Central Water and Power Commission, Sikkim
in the year 1974 and promoted as L.D.C. in the year
1977 and transferred from Sikkim to Bihar in the year
1984 when he joined in the Middle Ganga Division No. 4,
Rajendra Nagar, Patna-16. He was transferred from time
to time and he wilfully carried out the orders. By the

impugned order dated 22.11.1995 at Annexure-1, the applicant has been transferred from Darbhanga to Maithon in Dhanbad District. The learned counsel for the applicant submits that the applicant has not completed the usual 3 years period at Darbhanga where he was posted on 23.3.1994. He has ~~got~~ children, who are studying at College as well as School, and the present transfer will ~~affect~~ ^{him} adversely. The applicant does not allege mala fide against the respondents. It is well settled that transfer of a Government Servant is an exigency of service and normally an order of transfer should not be interfered unless it is vitiated by mala fides or violation of statutory rules. In this case, admittedly the applicant is a low paid employee with grown up children and he has problems regarding education.

2. Considering the circumstances and the submissions of the learned counsel for the applicant, I am of the view that this application can be disposed of by giving a suitable direction to the respondents to consider the grievance of the applicant, which he shall put in the form of ~~detained~~ ^a representation addressed to the Respondent No. 2, (through proper channel) within a period of two weeks. It is further directed that the respondent No. 2 shall dispose of the above said representation by ^a speaking and reasoned order within three months from the date of receipt of the representation alongwith the copy of this order. The learned counsel submits that the applicant has not yet handed over charge pursuant to the transfer order dated 22.11.1995. In that case,

O.A. - 1/96

the applicant should not be relieved to carry out the transfer till the disposal of the representation, as aforesaid. With this observation, the application is disposed of at the admission stage itself.

MA 164/96
filed by the
Commissioner
of application
for modification
of the order
passed on 12.2.96

sent back on
09-1/96. It
is in order.
put up for
consideration
and orders.
Please.

6/8/96
SOL (S) 6/8/96

K. D. Saha
Member (A)

12.2.96

MA 164/96