

In the Central Administrative Tribunal,

Patna Bench, Patna.

OA - 544/96

1./ 8.11.96.

Shri Ashutosh Jha, the counsel for the applicant.

Heard learned counsel for the applicant on the question of admission of the application. The applicant has challenged the impugned order of transfer (Annexure-6) by which he has been transferred from one Unit to another Unit by respondent No. 3, The Deputy Commandant, Central Industrial Security Force, Unit, Super Thermal Power Project Kahalgaon in the District of Bhagalpur. It is also stated in the application that he was posted in Shilai in the month of July, 95 which falls in the Western Zone and the applicant was transferred to Madras which falls in the Southern Zone by letter dated 19.6.95. The applicant filed an application to the Department concerned alleging that he served in the Force for more than 22 years with sincerity and honesty and the father of the applicant is very old he is in need of service. Therefore, the applicant may be transferred to his home Zone and that representation was considered by the authorities and the applicant was accordingly transferred to the Eastern Zone by letter dated 28.7.9 and accordingly he was posted in Super Power Thermal Project, Kahalgaon. When the applicant was transferred

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by the impugned order, he made representation to the respondent No. 2 on 26.10.96 which remains undisposed of. In the mean time apprehending the order of being relieved, he has come before this Tribunal with this application challenging the vires of the impugned order of transfer (Annexure-6) on the ground that the impugned order of transfer was issued in violation of the Sub-rule IV of Rule 66 of the Central Industrial Security Force Rules, 1969. During the course of arguments, the learned counsel appearing on behalf of the applicant also submitted that the respondent No. 3 has no authority to transfer the applicant from the present place of posting to the Assam Zone in view of the provisions of Sub Rule-IV of Rule 66 of the said rules.

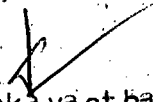
2. I have considered the submissions made by the learned counsel for the applicant and I have also gone through the records. I am not satisfied with the grounds that the impugned order of transfer was issued in violation of Sub-Rule IV of Rule 66 of Rule 1969. In the representation of the applicant, the question of jurisdiction was not raised as submitted before me but I am satisfied that the applicant made representation which contains some compassionate grounds which can only be considered by the authorities and not by the Court. If there is any hardship on the part of the applicant due to impugned order of transfer. So I find that it is a fit case to

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direct the applicant to make a fresh representation before the authorities in view of the representation made on 26.10.96 (Annexure -5) within three days from today and the authorities may consider his representation if it is found to be considered as per Rules on the grounds stated in the representation.

3. With this observation I dispose of the application on admission stage.

/CBS/


(D. Purkayastha)
Member (J)