

1/23.2.1996

O.A. - 119/96

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

Heard the learned counsel for the applicant and also heard Shri J.N.Pandey, Senior Standing Counsel for the Respondents. By this application, the applicant who is working as Manager/ Office Incharge, Canteen Stores Depot, Ramgarh Cantt., Hazaribagh and who has been ordered for transfer to Ambala and posted as Additional Manager, has sought for quashing the order of his transfer as contained at Annexure-1 dated 29.12.1995. The learned counsel for the applicant submits that the applicant is to superannuate on 30th March, 1997 and thus he is left with only a little over one year service and the transfer at this stage will affect the applicant adversely. His further submission is that as per the posting policy of Group 'A' and Group 'B' Gazetted Officers in the department during the last 2 years of service an officer may request for a choice posting for resettlement, and subject to the availability of vacancies, efforts will be made to give a choice posting during the last one year. A copy of the C.S.D. order No. 49/88 dated 6.8.1988 (Reference No. 3/A-2/1201) regarding posting policy of Group 'A' and Group 'B' Gazetted Officers was produced. After going through the averments, it is noted that no mala fides have been alleged nor there is any allegation that any statutory rule has been violated while issuing the impugned orders. The learned counsel for the applicant submits that transfer at this stage will affect the applicant adversely and he should be allowed to continue in his present place of posting till superannuation.

P.T.O.

2. Shri J.N.Pandey, Sr. Standing Counsel, appearing for the respondents submits that the executive instructions referred to are not mandatory and the applicant is being transferred in the same scale of pay and no reversion is involved. The learned counsel for the respondents further submits that on the contrary the applicant is going from the post of Asstt. Manager to that of Addl. Manager which is evidently of higher status.

3. It is noted that the applicant has not submitted any representation to the departmental authorities indicating his personal problems and difficulties arising out of the transfer as ordered on 29.12.1995.

4. After hearing the learned counsel for the parties and going through the averments, I am of the view that this application may be disposed of by giving a direction to the applicant to submit a proper representation indicating his difficulties and grievances, to Respondent No.2 within a period of two weeks, and on receipt of this representation the same should be disposed of by Respondent No.2 by a speaking and reasoned order within a period of two months from the date of receipt of such representation. Accordingly, I hereby direct the applicant to prefer a representation to Respondent No.2 within a period of two weeks, and the Respondent No.2 shall dispose of this representation within two months from the date of receipt of a copy thereof, by a speaking a reasoned order, and till then status quo should be maintained. With this observation, this application is disposed of.

( K.D. Saha )  
Member (A)

23.2.96