

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A

O.A.NO.: 484 of 2005

[Patna, this Friday, the 19<sup>th</sup> Day of August, 2005]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

.....

S.N.Sharma

Vs.

Union of India & Ors.

Counsel for the applicant. :- Shri M.P.Dixit.

Counsel for the respondents.:- Shri Alok Kr. Mishra, ASC.

O R D E R [ORAL]

Justice P.K.Sinha, VC :- This applicant has come up against Annexures-A/3 & A/5 by which, after having joined at SB Patna on 17.06.2005, by Annexure-A/3 he was transferred to Sub-Sector Darbhanga by order dated 20.07.2005 whereafter, by Annexure-A/5, his representation at Annexure-A/4 against that was rejected and he was intimated that he was relieved in the afternoon of 26.07.2005 directing him to report at Darbhanga.

2. Learned counsel for the applicant submits, to which the learned Addl. Standing Counsel also agrees, that representation against the transfer would lie to the Joint Secretary [Personnel] and the representation of the applicant against his transfer was also forwarded to that official as intimated to him vide Annexure-A/5. The contention of the applicant is that from Delhi set-up vide Annexure-A/1, dated 14.01.2005, he was transferred to UP set-up against which he had represented on the ground that he had less than two years



to retire and had started constructing a house at Khagaul in the district of Patna, whereafter on reconsideration, his transfer to UP set-up was cancelled and he was transferred to Bihar sector vide Annexure-A/2. Learned counsel submits that the Deputy Commissioner at the SB Patna was biased against him, hence soon after his joining at Patna he was transferred to Darbhanga sub-area holding that he <sup>had</sup> failed to prove his worth at the SB Hqrs. as also that there was no vacancy of AFO [GD] at SB Hqrs. The learned counsel for the applicant has challenged the ground that there was no vacancy and also pointed out the transfer policy at Annexure-R/1 to the written statement filed by the official respondents which also deals with the representation against transfers, pointing out that the decision on the representation should be taken within three months of the issuing order and the officer would be required to move immediately thereafter. It is submitted that immediately on receipt of the transfer order to Darbhanga the applicant had represented and his representation was sent to the proper authority but without waiting for the order on the representation which should have come within three months as per transfer policy of the department, he was hastily relieved by the respondent no.4.

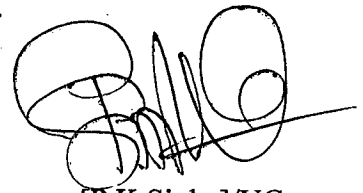
3. The learned Addl. Standing Counsel for the respondents also agrees that the concerned authority is the Joint Secretary [Personnel] and the matter is pending before him.

4. When the representation of the applicant is still pending before the department, this Tribunal <sup>does</sup> ~~does~~ not think it proper to pass any final order.



5. In that view of the matter, the respondent no.3 is hereby directed to record an order on the representation of the applicant at the earliest, but in any case within the period as prescribed under the transfer policy. The applicant is also directed to make available the Joint Secretary [Personnel], Cabinet Secretariate, Govt. of India, New Delhi [respondent no.3] a copy of this order as well a copy of this application with annexures, which may also be taken into consideration by the Joint Secretary [Personnel], at the earliest, but within 15 days of the order. The respondent no.3 while deciding the application will also take a decision on the implication of the order of the Deputy Commissioner, SB Patna, by which the applicant was relieved in the afternoon of 26.07.2005.

6. With the aforesaid observation and direction, this OA stands disposed of. No costs.



[P.K.Sinha]/VC

skj