

1.

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**PATNA BENCH, PATNA**

**OA No.827 of 2005**

**Date of order : 28<sup>th</sup> December, 2005**

**C O R A M**

Hon'ble Mr. Justice P. K. Sinha, Vice-Chairman

Binod Kumar

.....

Applicant.

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri A.R.Srivastava

Counsel for the respondents : Shri S.C.Jha, ASC

**O R D E R**

**Justice P.K.Sinha, Vice-Chairman :-**

Heard the ld. counsel for the applicant and Shri S.C.Jha, ld. ASC for the respondents. This application is directed against the office order dated 29.7.2005 [Annexure-A/1] issued from the office of Central Water Commission, New Delhi by which the applicant has been transferred from Patna to work under the Chief Engineer, Brahmaputra & Barak Basin,



Central Water Commission, Shillong on various grounds as also mentioned in Annexure-A/7 which is a representation against transfer addressed to the Chairman of the Commission which is mainly on personal grounds.

2. Admittedly, the applicant is on transferable job and has been transferred, after five years, as claimed, from his present posting. It does not appear that any ground has been made out to term this transfer order to be by way of punishment, against the extant rules or not issued by the competent authority.

3. It is well settled that the scope to review a transfer order by a Court/Tribunal is very limited. However, a representation has been filed by the applicant on various grounds at Annexure-A/7 and that has been recommended by the Superintending Engineer with the approval of the Chief Engineer vide Annexure-A/8. The ld. counsel submits that this representation is pending with the Chairman, Central Water Commission, New Delhi, who has been made party as Respondent No.1. As has been claimed, no order has been passed on the representation.

4. In the circumstances, this application is disposed of by directing the Chairman, Central Water Commission, New Delhi to consider and dispose of the representation, as he may deem proper, but that should be done within fifteen days of the receipt of a copy of this order. The applicant is expected

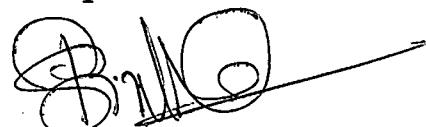
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to abide by the decision of the Chairman, Central Water Commission, New Delhi as and when communicated. Till the decision is taken by the Chairman, Central Water Commission, New Delhi, the respondents will maintain status-quo.

5. The applicant is directed to obtain a copy of this order immediately and to serve the same upon respondent no.1, the Chairman, along with a copy of the application with annexures within fifteen days of the receipt of certified copy of the order. However, the Respondent No.1 may record an order even before a copy of this order is received by him.

6. With the aforesaid directions, this O.A. is disposed of.

  
[ P.K.Sinha ]  
Vice-Chairman

mps.