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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No.531 of 2005

Date of order : 16th August, 2005

C O R A M

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

Hon'ble Mr. Mantreshwar Jha, Member[Admn.]

Gopal Krishna Jha **Applicant**

Vrs.

◦ Union of India & Ors. **Respondents.**

Counsel for the applicant : Shri P.N. Shahi with Shri S.K. Bariar

Counsel for the respondents : Shri M.K. Mishra, Sr. S.C.

ORDER

By P.K. Sinha, Vice-Chairman :-

This applicant is working as Garrison Engineer, Danapur Cantt., who has been transferred to CE Calcutta Zone as Dy DIR, vide Annexure-3 dated 24.5.2005 against ^{which} ~~that~~ this applicant filed a representation dated 30.5.2005 addressed to Respondent No.2, The Director General [Personnel], Engineer in Chief, Army Hq., Kashmir House, New Delhi. Contention is that the aforesaid representation dated 30.5.2005 is still pending. Recently the respondent no.4 has been ordered to replace the applicant who is yet to



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join. It is also claimed that the applicant has not yet been relieved.

2. Shri M.K.Mishra, Id. Sr.S.C. submits that if the representation at Annexure-A/5 has not yet been disposed of, this should be disposed of at the earliest.

3. Since a representation is pending, in our opinion, the concerned respondents should take a decision upon that first. This is a transfer matter which has been challenged on the ground that this is against the guidelines and because of certain reasons mentioned in Annexure-A/5.

4. In that view of the matter, we direct the Respondent No.2 to take a decision upon the representation dated 30.5.2005 at Annexure-A/5 within a period of one month from the date of receipt of a copy of this order. The applicant, within a week, will make available a copy of this order alongwith a copy of of this application with annexures to the Respondent No.2.

5. Shri M.K.Mishra, Id. Sr.S.C., when ~~intimation~~ ^{for stay} order was pressed, stated that he could not say as to whether or not the applicant is ~~transferred~~ ^{has been relieved} as he has not received any instructions.

6. If the applicant has not yet been relieved, then the status quo, as of today, will be maintained till the disposal of the representation at Annexure-A/5.



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7. This original application stands, accordingly, disposed of with no order as to cost.

[Mantreshwar Jha] M(A)

[P.K.Sinha] VC

mps.