

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 440 OF 1999.

Date of Decision: 13.05.1999.

M. Swaminathan, \_\_\_\_\_ Applicant.

Shri R. P. Saxena, \_\_\_\_\_ Advocate for  
Applicant.

Versus

Indian Council of Agricultural Respondent(s)  
Research,

Shri V. G. Rege, \_\_\_\_\_ Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. D. S. Baweja, Member (A).

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- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

*D. S. Baweja*  
(D. S. BAWEJA)  
MEMBER (A).

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 440 OF 1999.

Dated this Thursday, the 13th day of May, 1999.

CORAM : HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

M. Swaminathan,  
Residing at -  
B-14, Krishi Kunj,  
Bajaj Nagar,  
Nagpur - 440 010.  
(By Advocate Shri R.P. Saxena)

... Applicant

VERSUS

1. The Director General,  
Indian Council of  
Agricultural Research,  
Krishi Bhavan,  
New Delhi - 110 001.
2. Dr. Veelayudham,  
Director,  
National Bureau of Soil  
Survey and Land Use Planning,  
Amravati Road,  
Shankar Nagar P.O.,  
Nagpur - 440 010.

.... Respondents.

(By Advocate Shri V.G. Rege)

OPEN COURT ORDER

{ PER.: SHRI D. S. BAWEJA, MEMBER (A) }

This O.A. has been filed by the applicant on feeling aggrieved by the transfer order dated 01.05.1999 as per which the applicant has been transferred from Nagpur to Udaipur. Heard the Counsels for the parties and the O.A. is disposed of at the admission stage.

2. From the averments made in the O.A., it is noticed that the setting aside of the transfer order is

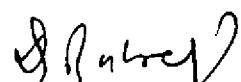
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sought mainly on two grounds, the first being that as per the guidelines for transfer, persons with longest <sup>say</sup> are required to be transferred out first. The applicant alleges that number of others who are posted at Nagpur are continuing for a longer period than the applicant and they have not been transferred. The second ground is based on alleging malafide against the respondent No. 2. The applicant has brought out that there was some dispute between his wife and the wife of Respondent No. 2 and the applicant has brought this on record through his representations dated 04.09.1998 (Annexure-1) and 08.09.1998 (Annexure-2). The Learned Counsel for the Respondents however, does not admit the allegation of malafide against R-2.

3. Apart from seeking the setting aside of the impugned order dated 01.05.1999, the applicant has also sought that direction be issued to the respondents to dispose of his representations dated 04.09.1998 <sup>and 08.09.1998</sup> and pass appropriate orders. The representation dated 04.05.1999 has been made after the transfer order.

4. Keeping in view the oral submissions and the averments made in the O.A., it is considered that the matter can be disposed of at the admission stage with a direction to the respondents to consider the representations of the applicant by the competent authority by passing a speaking order. Keeping in view the grievance made by the applicant, including the allegation of malafide against Respondent No. 2, without going into the merits of the rival contentions.

5. In the light of the above, the O.A. is allowed partly with a direction to Respondent No. 1 i.e. the Director General of Indian Council of Agricultural Research, to dispose of the representations of the applicant dated 04.09.1998, 08.09.1998 and 04.05.1999 as early as possible but not later than 27.05.1999 and pass a speaking order keeping in view the grievance of the applicant brought out in these three representations. It is also provided that status-quo with regard to posting of the applicant at the present station shall be maintained till the disposal of the representations i.e. till 27.05.1999. No order as to costs.

  
(D. S. BAWEJA)  
MEMBER (A).

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