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CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 923/1992

Date of order
16.10.92

SMT. SUSHILA DEVI ... A-PPPLICANT.
Mr.G.P.Gulati ... Counsel for the
Applicant.

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS.

PER HON'BLE MR. GOPAL KRISHNA, JUDL. MEMBER :

In this application under section 19 of Administrative Tribunals Act, 1985 (for short, the Act), the applicant Smt. Sushila Devi has called in question the transfer order dated 18.9.92 (Annexure-A/1) whereby she was transferred as a Hamal from the Accounts Office to the office of Survey and Construction of the Western Railway at Jaipur.

2. The facts of the case giving rise to this application are that the applicant was appointed as a Hamal in the office of the Divisional Railway Manager, Jaipur on 19.1.1990 vide the letter (Annexure-II) and she joined her duties on 22.1.90. It is urged on behalf of the applicant that she has been transferred quite frequently during the course of her employment in spite of the fact that she is a member of the Scheduled Caste. The transfer order has been challenged mainly on the grounds of mala fides and personal inconveniences as a daughter of the applicant is a patient of Tuberculosis. She has been transferred from one office to another at Jaipur itself. If there are any personal inconveniences flowing from the impugned order of transfer it is for the concerned authority to afford relief to an incumbent.

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Admittedly, the applicant has made a representation to the concerned authority against the impugned order dated 18.9.92 on 21.9.92 as envisaged by Section 20 (1) of the Act. The learned counsel for the applicant does not want to press the application on its own merits and instead he wants that the representation which the applicant has already made to the concerned authority on 21.9.92 be decided with due sympathy in accordance with Rules, Instructions, and guidelines on the subject.

This original application is, therefore, disposed of with the following directions :-

1. The respondent no.3 is directed to dispose of the representation already made by the applicant on 21.9.92 with due sympathy, through a speaking order, in accordance with rules, instructions and guidelines on the subject within one month of the receipt of this order.
2. The applicant shall be at liberty to file a fresh O.A., if so advised, after a decision has been taken by the respondent no.3 on his representation.

Gopalkrishna
16-10-92
(GOPAL KRISHNA)
Judl. Member.

Shashi/