

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 22.7.93.

OA 950/89

SURESH KUMAR VYAS

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).

HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SRI N.K. MISHRA.

For the Respondents

... SRI J.J. SHARMA.

PER HON. MR. GOPAL KRISHNA, MEMBER (J).

The applicant, Suresh Kumar Vyas, has filed this petition u/s 19 of the Administrative Tribunals Act, 1985, against the transfer order dated 24.11.89 (Annexure A-1), whereby he was transferred to the Northern Investigation Circle, CMC, Jammu, and the Office Order dated 6.12.89 (Annexure A-2), whereby he was sought to be relieved on 20.12.89 (A/N) to report for duty at his new place of posting.

2. We have heard the learned counsel for the parties and perused the records.

3. The applicant was posted as a Lower Division Clerk in the office of the Executive Engineer, Chambal Division, Central Water Commission, Jaipur. The challenge to the transfer order is based on the grounds that the applicant's wife is also in Govt. service and she is serving as Telephone Operator in the P&T Department at Jaipur, and that two of his sons are prosecuting their studies at Jaipur. The applicant has continued on the post of Lower Division Clerk at Jaipur under a stay order

G.Krishna

16

granted by this Tribunal on 13.12.89. The learned counsel for the applicant, does not want to press this OA on merits. He wishes that the representation which he had made to the concerned authority, vide his letter dated 9.3.93 for cancellation of his transfer order to Jammu, may be considered with due sympathy.

4. In these circumstances, the OA is disposed of with the following directions :-

- i) The respondents shall consider the representation of the applicant dated 9.3.93 with due sympathy in accordance with the rules, instructions and guidelines on the subject within a period of one month from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the applicant.
- ii) The respondents shall retain the applicant at Jaipur on the post of Lower Division Clerk till a decision is taken on his representation.
- iii) The parties shall bear their own costs.

(O.P. SHARMA)
MEMBER (A)

C.Krishna
(GOPAL KRISHNA)
MEMBER (J)