

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR  
BENCH, JAIPUR.

O.A.NO. 442/93

Date of order: 12.10.93

K.S.Yadav

: Applicant.

Applicant present in person.

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Union of India & Ors. : Respondents.

Mr.Praveen Balvada : Counsel for respondents.

CORAM:

PER HON'BLE MR. GOPAL KRISHNA, JUDL MEMBER

Applicant K.S.Yadav has filed this application under Sec. 19 of the Administrative Tribunals Act, 1985, ( for short the Act ), challenging the impugned order of transfer dated 13.7.93, whereby he was transferred from the office of Electronics Test & Development Centre, Jaipur to the office of the Electronics Test Laboratory (West) Bombay on the post of Scientific Assistant Gr.B.

2. I have heard the applicant and the learned counsel for the respondents.

3. The facts of the case are that the applicant was serving as a Scientific Assistant Gr.B in the Office of ETDC, Jaipur when he was transferred to Bombay by the impugned order. The transfer order has been assailed on the ground of mala-fides. It

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is stated by the applicant that the respondents had passed the impugned order of transfer on the ground that the applicant had misbehaved with the Joint Director and the order was issued at his instance by the Director General, Standardisation Testing & Quality Control. It is also averred that the Joint Director had reported to the Director General regarding the loss of a calculator in the office and the undesirable behaviour of the applicant with him and as such the transfer was made in colourable exercise of power in order to victimise the applicant, and that there was no other reason to pass the transfer order. There is no representation as envisaged by Sec. 20 of the Act regarding the applicant's grievance on the record. The applicant states that he had made representations to the concerned authorities. However, the applicant wants to make a fresh representation to the concerned authorities for redressing his grievance and he does not want to press this O.A. on merits. The O.A. is hereby disposed of with the following directions.

- (i). That applicant is directed to make a fresh representation to the concerned authorities within one month of this order, and the respondents are directed to dispose of the same with due sympathy in accordance with rules, instructions & guidelines on the subject within a period of one month from the date of receipt of the representation from the applicant.
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(ii). The respondents are further directed to retain the applicant at Jaipur on the post of Scientific Assistant Gr. B till a decision is taken on his representation. However, the applicant shall be at liberty to file a fresh O.A. after a decision has been taken by the respondents on his fresh representation. There shall be no order as to costs.

G. Krishna  
(GOPAL KRISHNA)  
Member (Judl).

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Anil