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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. 1/93

Date of Decision: 1.1.93

GURUMUKH SINGH TAHILIANI : Applicant.
Mr. D.K. Jain : Brief Holder for Mr. Bhanwar Bagri, Counsel for applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Judicial Member

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

In this application U/S 19 of the Administrative Tribunals Act, 1985, the applicant, Shri Gurumukh Singh Tahiliyan has challenged the order of transfer dated 18 Dec 92, Annexure A-1, whereby the applicant was transferred from Jaipur to Nagpur Branch on the post of Senior Public Prosecutor.

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

3. The case of the applicant is that he has been posted as Senior Public Prosecutor at Jaipur since April, 1992 and the impugned order of transfer was issued due to the applicant's suggestion for a regular departmental action for major penalty against Shri M.S. Agarwal who was Registrar of Companies at Jaipur and the Respondent No. 3 was highly interested to prosecute Shri M.S. Agarwal inspite of the applicant's comments that no case for his criminal prosecution was made out. The learned counsel for the applicant urged that the suggestions and recommendations made by the applicant incurred the displeasure of the Respondent No. 3 and the impugned order is an outcome of his annoyance. It is also averred that the applicant had suffered a paralytic attack in the year 1987 and he is a chronic patient of diabetes. It is further averred that the applicant's wife is serving as a lecturer at Ajmer and it is impossible to get her services transferred to another State. The learned counsel for the applicant has drawn my attention to the representation dated 23.12.92 vide Annexure A-5 made by the applicant regarding his transfer and has stated that his

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representation has not been disposed of till date. The learned counsel for the applicant wants that the representation already made by the applicant on 23.12.92 vide Annexure A-5 be disposed of by the respondents with due sympathy in accordance with the rules, instructions and guidelines on the subject on merits through a speaking order.

4. The O.A. is, therefore, disposed of with the following directions:-

- (i) The respondents are directed to dispose of the representation already made on 23.12.92 with due sympathy through a speaking order in accordance with the rules, instructions and guidelines on the subject within one month of the receipt of a copy of this order.
- (ii) The applicant shall not be relieved from the post of Senior Public Prosecutor, CBI, Jaipur till the disposal of the aforesaid representation if he has not already been relieved.
- (iii) Applicant shall be at liberty to file a fresh O.A. after the disposal of his representation, if he so chooses.
- (iv) There shall be no orders as to costs.

G.K. 1-1-93
(GOPAL KRISHNA)
Judicial Member