
Date of Decision: 10.2.1994.

OA 64/94

ABDUL LATIF ... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI RAJENDRA PRASAD.

For the Respondents ... ---

PER HON'BLE MR. O.P. SHARMA, MEMBER (A).


Applicant Abdul Latif has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the order dated 30.11.93 regarding his repatriation to his parent Unit may be set aside and the respondents may be directed to absorb the applicant on the post of Driver under the Chief Telecom Inspector, Western Railway, Shamgarh, on available vacancy. His still further prayer is that the respondents may be restrained from relieving the applicant from the post of Driver and they may be directed to allow him to work on the post of Driver under the control of Chief Telecom Inspector, Western Railway, Shamgarh.

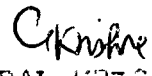
2. Vide order dated 30.11.93, issued by the office of DRM Kota, the applicant, a Casual/TS Jeep Driver at Shamgarh, was transferred back to his parent Department/Unit i.e. Deputy Chief Engineer (S&C) Kota. The applicant is aggrieved by the said order of transfer. The learned counsel for the applicant has brought to our notice an internal communication dated 3.12.93, which suggests that the applicant cannot be accommodated on the Unit to which he has been transferred, "due to approaching closure of this Unit and non-availability of post". The learned counsel for the applicant states that since the Unit to which

the applicant has been transferred is unwilling to accommodate the applicant, the applicant should be allowed to continue in the Unit from which he was transferred by order dated 30.11.93 (Annexure A-1).

3. We have heard the learned counsel for the applicant and have gone through the records. In the circumstances of the case, we consider it appropriate that the applicant should make a representation to the Unit from which he has been transferred, enclosing a copy of the communication dated 8.12.93 (supra), praying for his retention in the Unit from which he has been transferred in the peculiar circumstances of the case. The applicant shall make such a representation within a week from today. The respondents shall dispose of the applicant's representation, if so made within the aforesaid period, within a period of one month from the date of receipt thereof.

4. The OA is disposed of accordingly at the admission stage.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)