

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 12.12.95.

OA 455/95

UDAI KUMAR SAXENA

... Applicant.

Versus

UNION OF INDIA AND OTHERS

... Respondents.

CORAM:

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

HON'BLE MR. PATTAN FAIASH, MEMBER (J)

For the Applicant ... Mr. M.B. Sharma

For the Respondents ... Mr. S.S. Hasan

O R D E R

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

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Udai Kumar Saxena has prayed that order dated 31.5.95 (Annexure A-1), by which order dated 23.5.95 was kept in abeyance, may be quashed. He has further prayed that order dated 4.9.95 (Annexure A-2), by which the representation of the applicant was rejected, may be quashed. A still further prayer made by the applicant is that transfer order dated 23.5.95 (Annexure A-6) and the relieving cum posting order dated 31.5.95 (Annexure A-7) may be given effect to.

2. The applicant's case is that he was transferred from Sawai Madhopur to Gandhi Nagar, Jaipur, vide order dated 23.5.95 (Annexure A-6). The transfer order was, however, kept in abeyance by order Annexure A-1 dated 31.5.95. Subsequently, a fresh transfer order (Annexure A-8) dated 9.6.95 was passed in which all the persons whose names figured in the earlier transfer order Annexure A-6 dated 23.5.95 were included except that of the applicant. No reasons were assigned for excluding the name of the applicant from the transfer order although the earlier transfer of the applicant vide Annexure A-8 was made at the applicant's own request. The applicant had earlier filed an OA (No.271/95) before the Tribunal, which was disposed of by order dated 30.6.95 (Annexure A-10). In this order, the Tribunal had given a direction that the respondents may dispose of the representation filed by the applicant, seeking transfer from Sawai Madhopur to Jaipur, on merits. Vide Annexure A-2 dated 4.9.95 the representation of the applicant has been considered but it has been rejected. It has, however, been stated in the order Annexure A-2 that the earlier transfer of the applicant was made vide

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order dated 23.5.95 when he had not completed a period of four years at Sawai Madhopur and, therefore, such transfer was in violation of the guidelines issued by the Director General, Department of Posts. It has further been stated in the said annexure that the request of the official for transfer to Jaipur has been registered and his case would be considered on merits in his turn.

3. In the reply given by the respondents they have more or less maintained what they have stated in Annexure A-2 dated 4.9.95, by which the applicant's representation was rejected.

4. We have heard the learned counsel for the parties and have gone through the material on record. It is an admitted position that now the applicant has completed a period of four years at Sawai Madhopur and is otherwise eligible for transfer on the basis of the guidelines issued by the Director General, Department of Posts. The applicant had earlier made a request for transfer on account of his personal difficulties and it was apparently after taking into account his personal difficulties that he was ordered to be transferred at Jaipur, which order was kept in abeyance subsequently.

5. In the circumstances of the present case and after hearing the learned counsel for the parties, we direct that if a vacancy is available at Jaipur his case may be immediately considered for transfer to Jaipur and if a vacancy is not available at present his case may be considered for transfer to Jaipur as soon as a vacancy is available, sympathetically having regard to the fact that his transfer was earlier ordered by the respondents at the request of the applicant.

6. The OA is disposed of at the admission stage.


(RATTAN PRAKASH)

MEMBER (J)


(O.P. SHAFNA)

MEMBER (A)

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