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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of decision: 13-11-1995

OA No. 528/95

Suresh Chand Sharma

.. Applicant

VERSUS

Union of India and others

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

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

For the Applicant

.. Mr. Amitabh Bhattacharya

For the Respondents

.. Mr. K.N. Shrimal

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant Suresh Chand Sharma, in this application under Section 19 of the Administrative Tribunals Act, 1985, has challenged the impugned order dated 22-11-1994 passed by Respondent No.5 by which he was transferred from Bathinda to Jalandhar as an Assistant Engineer vide Ann. A/1(b) and the movement order dated 29th May, 1995 (Ann. A/1(a)). The applicant has also claimed posting either at Jaipur or at Delhi. He has also prayed for a direction to the respondents in regard to his pay, allowances and dues. The applicant has produced a copy of the order of Hon'ble Acting-Chairman, Central Administrative Tribunal, Principal Bench, New Delhi dated 13-10-1995, by which the present OA has been directed to be retained at the Jaipur Bench of the Tribunal.

2. We have heard the learned counsel for the parties and have carefully gone through the records.

3. The case of the applicant is that during his posting at Bathinda as an Assistant Garrison Engineer, he developed

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heart ailment. On his transfer to Jalandhar, the applicant represented to the Engineer-in-Chief (Respondent No.2) objecting thereto on the ground that he has already undergone angioplasty in the Escorts Heart Institute and Research Centre, New Delhi and he was advised by the treating Doctor to get admitted to the hospital for further investigations and treatment due to Treadmill Test being positive. The applicant, in these circumstances, made representations to the concerned authorities seeking his posting either at Jaipur or at Delhi but the same were not heeded to. The representations for change of posting having been not agreed to by the concerned authorities vide Annexure R/2 dated 8-3-1995, the applicant had to file this application before this Tribunal on 9-6-1995. The contention of the applicant is that his representation was not decided by a speaking order in accordance with instructions and guidelines on the subject.

4. The contention of the respondents is that the applicant had completed 3 years on 26-8-1994 in the office of Garrison Engineer, Bathinda and since he was due for posting after 3 years of service, he should have applied for compassionate/last leg posting during June, 1994 in case he desired a station of his choice. The applicant wants to make a fresh representation to the concerned authorities in regard to his grievances and wants that the same be decided in terms of rules, guidelines and instructions on the subject keeping in view his personal difficulties and cardiac ailments.

5. In the circumstances, we direct Respondent No.2 to decide the applicant's fresh representation, if made within a period of 15 days from the date of this order.

CKM/RK The representation shall be decided within a month of

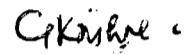
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its receipt by Respondent No.2 through a detailed order on merits as per rules, instructions and guidelines on the subject keeping in view the personal inconvenience of the applicant and the facts and circumstances stated in the representation.

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


(O.P.Sharma)
Member (A)


(Gopal Krishna)
Vice Chairman