

ORDERS OF THE BENCH

Date of Order: 03.02.2015

OA No. 291/00073/2015

Mr. Vinod Goyal, counsel for applicant.

The applicant has filed the present Original Application being aggrieved by his transfer order dated 27.01.2015 (Annexure A/1) vide which he has been transferred to Kolvi, Sub Division Kota Office of ASI and has prayed for quashing and setting aside the same.

2. Heard learned counsel for the applicant and perused the pleadings and documents on record. He submitted that as per the policy of the respondents, Group 'D' employees should not be transferred to far off places because they are low paid employees and in support of his arguments he relied upon the Office Memorandum dated 16.01.1990 (Annexure A/3).

3. Learned counsel for the applicant states that the applicant seeks liberty to file a representation to the respondent nos. 2 & 3 against his transfer order.

4. In view of the above, the applicant is at liberty to file representation to the respondent nos. 2 & 3 within a period of 10 days from today. If such a representation is received by the respondent nos. 2 & 3, then they are directed to consider and decide the same according to the provisions of law by a reasoned and speaking order expeditiously but in any case not later than a period of two months from the date of receipt of a copy of the representation from the applicant.

5. The applicant is directed to provide a copy of the complete paper book of this OA along with the copy of representation as well as copy of this order to the respondents.

6. In the interest of justice, the respondent are directed not to give effect to the transfer order dated 27.01.2015 (Annexure A/1) till the disposal of the representation by the respondents, if so filed by the applicant within the stipulated time.

7. The applicant would be at liberty to file substantive O.A., if he is aggrieved by the decision so taken by the respondents on his representation.

8. It is made clear that if no representation is filed by the applicant within the specified period then the direction issued vide this order shall automatically have no effect.

9. With these observations and directions, the present Original Application is disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
ADMINISTRATIVE MEMBER