

# CENTRAL ADMINISTRATIVE TRIBUNAL

## JAIPUR BENCH, JAIPUR

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### ORDER SHEET

#### ORDERS OF THE TRIBUNAL

Date: 07.10.2016

OA No. 291/00753/2016

Mr. Mukesh Agarwal, Counsel for the applicant.

The present OA has been filed against the order dated 28.4.2016 (Ann.A/1) vide which the applicant has been transferred from Gangapur City to New Katni Junction and has also been relieved vide order dated 29.4.2016 (Ann.A/2) w.e.f. 29.4.2016 AN.

2. Heard.

3. Shri Mukesh Agarwal, learned counsel for the applicant submitted that the applicant was appointed as an Assistant Teacher in the year 1986 in Railway Primary School, Gangapur City itself. Earlier a decision was taken by the respondents to close the school, therefore, the impugned order was passed. Subsequently, they reviewed their decision and decided to continue with the school, therefore, he submitted that in view of changed circumstances, the applicant can be allowed at present place of posting instead of forcing him to join at transferred place. He submitted that the respondents have also not decided the representation

dated 2.5.2016 submitted by the applicant. The applicant is also going to retire on 30.9.2017, therefore, he submitted that in terms of policy issued by the Government of India and the decision given by the Hon'ble High Courts, she cannot be transferred at this stage of service. He placed the reliance on the decision of Hon'ble High Court of Rajasthan, Jodhpur Bench in the case of Dr. (Smt. ) Pushpa Mehta Vs. Rajasthan Civil Services Appellate Tribunal and Ors. in DB Civil Special Appeal No.1430/99 decided on 16.12.1999 and subsequent decision given by the Hon'ble High Court of Judicature for Rajasthan, Jodhpur Bench in the case of Manohar Singh Vs. State of Rajasthan & Ors. in SB Civil Writ Petition No.9021/2014 decided on 16.5.2016 to claim that applicant deserves to be continued at present place of posting being sitting on retirement. Therefore, he prayed that the impugned order dated 28.4.2016 be set aside. On interim relief, he submitted that the applicant is on leave and has not joined the new place of posting and as such she may be allowed stay also.

4. Considered the aforesaid submissions and the fact that the applicant has already been relieved vide order dated 29.4.2016, no interim direction can be issued at this stage.

5. At this stage, learned counsel for the applicant submitted that he would be satisfied if the O.A. is

disposed of by directing the respondents to take a decision on the pending representation of the applicant within a fixed time frame and till then the applicant may not be forced to join new place of posting.

6. Considering the submissions of learned counsel for the applicant, we direct the respondents that representation dated 2.5.2016 of the applicant, which has remained unanswered till date, be decided within a period of 10 days from the date of receipt of the copy of this order by passing a speaking and well reasoned order. Till the decision is taken on representation as indicated above, no coercive action be taken against the applicant.

5. The disposal of the O.A. may not be taken as an expression any opinion of this Court on merits of the case. The O.A stands disposed of accordingly, but with no order as to costs.



(Meenakshi Hooja)  
Member (A)



(S.K. Kaushik)  
Member (J)

Adm/