

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 6.5.2016

OA No.291/00293/2016

Mr. Mukesh Agarwal, Counsel for the applicant.

Matter relates to transfer of the applicant from Jaipur to Hyderabad in the Ministry of Water Resources and his representation pending for disposal with the respondents.

2. Heard. Counsel for applicant submitted that vide order of this Tribunal dated 26.12.2013 in OA No.834/2013 (Ann.A/10), the respondents were directed to consider and decide the representation of the applicant dated 6.6.2013 (filed against his transfer from WR, Jaipur to SR, Hyderabad) strictly in accordance with provisions of law and pass a reasoned and speaking order expeditiously but in any case not later than 2 months from the date of receipt of the copy of this order. Thereafter, vide order dated 14.3.2014 (Ann.A/11) the representation dated 6.6.2013 was considered and disposed of by respondents by holding that the relieving order dated 9.4.2013 in case of Dr. Manish Srivastava relieving him to enable him to join at Hyderabad holds good. He should immediately join at Hyderabad within 15 days of the issue of this order.

3. However, against the said order, the applicant filed a representation on 19.3.2014 (Ann.A/2) before respondent No.1 praying for reconsideration of his case on certain grounds including as mentioned in para (ii) of his representation that the Enquiry Report submitted by Shri M.K.Sinha, CE, CWC was not considered anywhere in the order dated 14.3.2014. The applicant also submitted a reminder dated 30.8.2015 (Ann.A/1) to the Chairman,

Central Ground Water Board, Faridabad i.e. respondent No.2 with a copy to Deputy Secretary in the office of respondent No.1. Counsel for applicant submitted that the only prayer of the applicant in this OA is that directions may be issued to respondents to decide his representation dated 19.3.2014 addressed to respondent No.1 and followed up with reminder to respondent No.2 within a stipulated time and prayed that OA may be allowed at admission stage itself.

4. On query by this Tribunal, Counsel for applicant informed that the applicant has not yet joined his duties at Hyderabad in pursuance to the order dated 14.3.2014 (Ann.A/11).

5. Considered the aforesaid contentions and perused the record. In view of the limited prayer of the applicant in this OA with regard to his representation, it is deemed appropriate to dispose of the OA at the admission stage itself, without going into the merit of the case, lest it prejudice the case of either side, with certain directions. Accordingly, (i) respondent No.1 is directed to consider and decide the representation of the applicant dated 19.3.2014 (Ann.A/2) which has been followed up with a communication to respondent No.2 dated 30.8.2015 (Ann.A/1) in accordance with law with a reasoned and speaking order, at the earliest and preferably within 2 months from the date of receipt of the copy of this order and a copy of the paper book of this OA.

(ii) The applicant is also directed to submit a copy of this order and paper book of the OA to respondents No.1 and 2 within a week from the date of receipt of the copy of this order.

(iii) In case applicant fails to submit a copy of this order along with paper book of the OA to the respondents, the respondents would be free to proceed with the case, as per law.

6. In view of the limited relief being granted, the requirement of the issuing of notices to respondents is dispensed with.

7. Accordingly, the OA is disposed of as above, at the admission stage itself with no order as to costs.



(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

Adm/