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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 16.2.99

OA 193/98

A.S.S.S.Haragopal, Dy.Ore Dressing Officer, Indian Bureau of Mines, Ajmer.

... Applicant

Versus

1. Union of India through the Secretary, Department of Mines, D-Wing, III Floor, Shastri Bhawan, New Delhi.
2. The Controller General, Indian Bureau of Mines, Indira Bhawan, Nagpur.
3. The Director (O.D.), Indian Bureau of Mines, Indira Bhawan, Nagpur.
4. The Superintending Officer (O.D.), Indian Bureau of Mines, Makhupura Industrial Estate, Ajmer.
5. Shri K.S.Raju, Director (O.D.), Indian Bureau of Mines, Indira Bhawan, Nagpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.Hirdesh Singh

For the Respondents

... Shri K.N.Shrimal

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, A.S.S.S.Haragopal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, assailing the impugned order dated 23.5.97, at Annexure A-1, by which he was transferred as Deputy Ore Dressing Officer from Nagpur to Jaipur.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. Applicant's case is that he had joined the Indian Bureau of Mines at Nagpur as Junior Technical Assistant on 1.5.76 and thereafter he was promoted to the post of Deputy Ore Dressing Officer on 31.10.86. It is stated by the applicant that while he was working as Deputy Ore Dressing Officer in the year 1992, respondent No.5 namely Shri K.S.Raju was then posted as Superintending Officer (O.D.) and he issued a letter dated 27.8.92 calling for the explanation of the applicant in regard to his proceeding on leave on 14.8.92. It is contended by the applicant that Shri K.S.Raju, presently the Director (O.D.) of the Indian Bureau of Mines at Nagpur, had developed hatred against the applicant and he waited for an opportunity to harm the applicant. Shri K.S.Raju being the Chairman of the Transfer Committee, transferred the applicant from Nagpur to Ajmer. However, the

applicant joined his duties at Ajmer on 7.7.97 in compliance with the impugned order. The applicant made a representation to the concerned authorities vide Annexure A-6 dated 19.6.97 but it evoked no response. A reminder was also sent by the applicant. Thereafter, the applicant preferred an appeal dated 5.8.97 to respondent No.1 vide Annexure A-7 but the same has not been forwarded to the higher authorities. It is contended that the impugned order of transfer was passed with a view to causing harassment to the applicant. It is also assailed as being arbitrary and discriminatory.

4. On the other hand, the respondents have stated that during his earlier posting at Ajmer, the applicant was appointed to a higher post of Deputy Ore Dressing Officer w.e.f. 31.10.86 and he was transferred back to Nagpur vide order dated 21.4.87 alongwith other officers. It is also contended that availing of the casual leave by the applicant is in itself a very petty matter and this can hardly constitute a ground for either personal hatred on the part of Shri K.S.Raju or the applicant's transfer. In the circumstances, I find no substance in the allegations made by the applicant against Shri K.S.Raju. It is also stated by the respondents that the applicant's representation was duly considered by respondent No.3 but his objections against transfer were not found to be acceptable. It is urged on behalf of the respondents that the transfer of the applicant was made in the exigency of public service and his personal difficulties could not have gained preference over matters related to public interest.

5. The applicant joined his duties as Deputy Ore Dressing Officer on 7.7.97 and he is still working at Ajmer. If the applicant is still aggrieved by his posting at Ajmer and he still has any personal difficulties, he may make a representation to the concerned authorities regarding his grievance.

6. In the circumstances, this application is disposed of, at the stage of admission, with a direction to the applicant to make a fresh representation to respondent No.2 about his personal hardships, if any, being suffered by him in view of the impugned order, within a month of this order and if any such representation is made, respondent No.2 shall decide it as expeditiously as practicable with due sympathy. No order as to costs.

C.K.R.
(GOPAL KRISHNA)
VICE CHAIRMAN

VK