

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order:14.8.2002

OA No.320/02

Kishan Singh s/o Shri Chet Ram r/o House No.415/25, Ram Ganj, Nai Basti, Ajmer, presently working as Draughtsman Gr.II O/o the Executive Engineer, Ajmer Centre Division, CPWD, Ajmer.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Urban Development and Poverty Alleviation, Nirman Bhawan, New Delhi.
2. Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi.
3. Executive Engineer, Ajmer Centre Division, CPWD, Jaipur.

.. Respondents

Mr. P.N.Jati - counsel for the applicant

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)


The applicant is aggrieved of the order dated 12.7.02 (Ann.A1) whereby he has been transferred from Ajmer to Jodhpur. He has prayed for appropriate directions to the respondents to quash the said order and in interim relief, he has prayed that till the disposal of this OA, the impugned order may not be made operative.

2. Heard the learned counsel for the applicant at

length.


2.1 He submits that as per the policy of the respondents, the applicant is required to be transferred out on completion of the tenure of 5 years whereas he has been transferred after about 3 years. He also submits that his transfer is ordered to accommodate one Shri S.N.Mathur who has been transferred in his place on request basis as is evident from the impugned order dated 12.7.02 (Ann.A1). He further submits that the transfer order has been issued on 12.7.02 and the applicant has not been relieved and further that the transfer is made in mid session. The applicant has already deposited fee etc. for the new session as would be evident from the record. His children are studying in Class 8th and 10th and, therefore, this is mid-session transfer, which will affect the education of the children. The transfer is being done to accommodate Shri S.N.Mathur and, therefore, cannot be said to be in public interest. The applicant has made a representation dated 12.7.02 but the same has not been replied.

3.0 The representation of the applicant has not been disposed of. The same is required to be considered by the respondents. Accordingly, without going into the merit of the case, this OA is disposed of at the stage of admission with the direction to the applicant to prefer a fresh representation to the respondent No.2 alongwith a copy of this order within 15 days from today and by speed post to avoid delay, with a copy to respondent No.3 for information. In that event, the respondent No.2 shall have to dispose of his representation by a speaking order within four weeks from the date of its receipt. It is

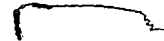


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further ordered that if the applicant complies with this order and if he has not been relieved till today, he shall not be relieved till the disposal of his representation and in case he has already been relieved, he shall not be forced to join the new place of posting till the disposal of his representation.


(M.L. CHAUHAN)

Member (Judicial)


(H.O. GUPTA)

Member (Administrative)