

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.69/03

Date of order: 11.2.2003

Surendra Kumar Nuwal, S/o Sh.Moti Lal Menra, presently posted as UDC, O/o Employees Provident Fund Organisations Regional Office, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary, Deptt of Labour, Govt of India, New Delhi.
2. Regional Provident Fund Commissioner, Employees Provident Fund Organisation, Jyoti Nagar, Jaipur.

...Respondents.

Mr.Munish Kumar Sharma - Counsel for applicant.

CORAM:

Hon'ble Mr.M.L.Chaunan, Judicial Member.

PER HON'BLE Mr.M.L.CHAUHAN, JUDICIAL MEMBER.

The applicant is aggrieved by the order dated 22.1.03 (Annex.A3) whereby he has been transferred from RO Jaipur to SRO Jodhpur. By way of this O.A, the applicant has prayed that the impugned order Annex.A3, dated 22.1.03 may be quashed and set aside and that he may be allowed to continue as such at RO, Jaipur.

2. Facts of the case are that the applicant is presently working as UDC at Jaipur. He was earlier transferred to SRO, Jodhpur but it appears that the said order was cancelled and he was again transferred to SRO, Jodhpur vide order dated 22.1.03 (Annex.A3). Aggrieved by this order, the applicant has filed the present O.A for the aforesaid relief. The ground taken by the applicant is that he being an handicapped employee, he should have been adjusted near to his native place as far as possible even if the transfer was necessitated on administrative exigencies. His further case is that his children are studying at Jaipur, one is in Higher Secondary and another is in B.A

Part-I and being local examinations the children have to stay at Jaipur due to their examination and Central Board Examinations are going to be started from the first week of March 03. He further submitted that he has to support his old mother who is about the age of 71 years and is suffering from blood-pressure, Asthma and Diabetes and her treatment is going on at Jaipur. On these grounds, the applicant has prayed that his transfer from Jaipur to Jodhpur may be cancelled. The applicant has also made representations Anxx.A4 and Anxx.A5 but the same has not been disposed of by the respondents so far.

3. I have heard the learned counsel for the applicant and considered the submissions made by him. In the facts and circumstances of this case, it will be in the interest of justice if direction is given to respondent No.2 to decide the representation of the applicant keeping in view the personal difficulties as well as policy of the Govt whereby it has been stated that - Handicapped candidates recruited to Groups C & D posts on regional basis may be given posting near their native places as far as possible, subject to administrative constraints. Under the circumstances it is hereby ordered that the applicant should make a fresh representation to respondent No.2 within 15 days from the date of this order and respondent No.2 shall consider the representation so made within four weeks from the date of receipt of such representation. Respondent No.2 shall dispose of such representation by a reasoned and speaking order. Till the representation of the applicant is not decided, the respondents shall not force the applicant to join at his new place of posting i.e. SRO Jodhpur. With these directions, the O.A stands disposed of.


(M.L. Chaunani)

Member(J).