

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 23.05.2003

OA No.235/03

Kedar Singh Yadav s/o Shri Rameshwar Dayal Yadav, aged about 43 years, r/c Q.No.6, Type IV, Indian Bureau of Mines Residential Colony, Ajmer.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Controller General, Indian Bureau of Mines, Indira Bhawan, Nagpur (Maharashtra)

.. Respondents

Applicant present in person.

CORAM:

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

O R D E R (ORAL)

Per Hon'ble Mr. M.L.Chauhan

The applicant is aggrieved of the order dated 6.5.03 (Ann.A1) whereby he has been transferred from Ajmer to Ranchi and has filed the present OA thereby praying for the following reliefs:-

"That in the facts and circumstances stated above, your humble applicant prays that the impugned transfer order - Annexure-1 which has been passed on malice and malafides may be quashed and set-aside and the respondents be ordered to keep the applicant at Ajmer looking to the facts that the applicant has only completed 2 years at Ajmer and his wife is also in Government

service in Ajmer District itself besides the fact that they have a baby of only 8 months old."

2. Heard the applicant present in person.

2.1 The submission of the applicant is that the transfer has been ordered malafidely and in arbitrary manner inasmuch as he has earlier filed a Contempt Petition against respondent No.2. Pursuant to filing of such Contempt Petition, he was transferred from Udaipur to Ranchi and subsequently he was transferred at Ajmer on the basis of a representation made by him. His further contention is that the persons who have put in 8-10 years of service at Ajmer and persons who have put in about 20 years of service at Udaipur, which is a part of North Zone have been retained whereas the applicant who has put in 2 years' service at Ajmer has been transferred by the impugned order. His further allegation is that he has been transferred in violation of the DOPT OMs dated 3.4.86 and 12.6.97 whereby it has been stated that as far as possible husband and wife should be posted at the same station. He has further averred that his wife, who is a State Govt. employee, was previously posted at Udaipur and when the applicant was transferred to Ajmer, she was subsequently transferred to a place nearer to Ajmer and by passing the impugned order, the instructions of the DOPT have been violated. He submitted that he made a representation to the Controller General, Indian Bureau of Mines, Nagpur dated 13.5.2003 (Ann.A3) and the same has not been decided so far.

3. In view of the submissions made by the applicant and without going into the merit of the case, I am of the

view that the matter can be disposed of at the admission stage with a direction to the applicant to file a fresh representation to respondent No.2 with a copy to the Controller of Mines, North Zone, Ajmer for information alongwith copy of this order within 10 days and by Speed Post to avoid delay. In that event, the respondent No.2 is directed to dispose of his representation within 4 weeks from the date of receipt of the representation. If the applicant complies with these direction, the respondents shall maintain status-quo with regard to transfer and posting of the applicant made vide the impugned order dated 6.5.03 (Ann.A1) till the disposal of representation. It is further clarified that in case the applicant has been relieved pursuant to the impugned order Ann.A1, he shall not be forced to join at the new place of posting i.e. Ranchi. It is expected that the authority concerned will examine the matter dispassionately keeping in view the Govt. instructions/guidelines that the husband and wife as far as practicable be posted at the same place and other difficulties as may be mentioned by the applicant in his representation. The OA is disposed of with the above directions at the admission stage.


(M.L. CHAUDHAN)

Member (J)