

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A No. 80/97

Sri J. N. Dhar & Ors.Applicant(s)
Versus-

Union of India & Ors. Respondant(s)

Mr. B.K. Sharma
Mr. M. Chawdhury Advocate for Applicant(s)

Mr. S. Ali, Sr. C.G. S.C. Advocate for Respondant(s)

Office Notes Date Courts' Orders

11.4.97 This application has been filed by 51 applicants against Annexure-2 transfer order dated 18.3.1997 and pray for a direction to keep the order of transfer in abeyance till December, 1997. The applicants' case is that they have been working in various cadres under the Accountant General (Accounts & entitlement), Assam, Shillong/Guahati - Respondent No. 2. In the mid session, they have been transferred to Guahati which put them in immense difficulties so far the education of their children are concerned. The applicants submit that they have no objection in carrying out the order of transfer; only difficulties they express, about their immediate transfer which would cause great hardship regarding education of their children. Hence they need time till the academic session of their children is over. The applicants also state that sudden transfer order would also create difficulties in finding proper accommodation. Hence the present application.

2. I have heard Mr. B.K. Sharma, learned counsel appearing on behalf

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11.4.97 of the applicants and also Mr. S.Ali, learned Sr. C.G.S.C. Mr. Sharma submits under the facts and circumstances of the case the order of transfer should be kept in abeyance till December, 1997. Mr. S.Ali, has vehemently opposed this. According to him this is not a fit case for granting any relief in as much as the order of transfer is an incidence of service and the applicants have no right to challenge this. Besides according to Mr. Ali there is no allegation of malafide action or violation of any rules. In view of the above the application should be dismissed in limine. Mr. Sharma on the other hand submits that there is a policy decision not to disturb any employee in the middle of academic session. Mr. Sharma further submits that individual representation have been filed by the applicants before the 2nd respondents which are yet to be disposed of. Mr. Sharma also submits that he has come to know that it is the Comptroller and Auditor General of India, - the respondent No. 1 who has power to consider the above.

22/4/97
Copy of the order
has been sent to the
D/Section for issuing
the same to the parties
alongwith the L/Adm
of the parties.

In view of the above, I dispose of this application with a direction to the respondent No. 1 to consider the grievance of the applicants if any representation is filed before the respondent No.1 within a week from today by the applicants and the respondent No. 1 shall consider the same if such representations are filed within the said period, as early as possible at any rate thereafter within 2 weeks next. Till disposal of the representations by the respondent No.1, the order of transfer shall not be given effect to.

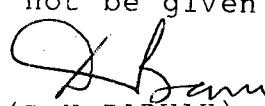
By Order

Copy of the order be
supplied to both the
counsel of the parties.

Issued vide
D.N. 1474-1477
on 30.4.97
S. N. Baruah

Q. 67. 97
11.4.97

trd
114


(D.N. BARUAH)
Vice-Chairman