

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No. 139 of 1997.

DATE OF DECISION...17-2-1999.....

!! Shri Prabir Kumar Das (PETITIONER(S))

Shri S. Talapatra ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Shri B.C.Pathak, Addl.C.G.S.C ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

Sanjiv
17/2/99

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. 2

Original Application No. 139 of 1997.

Date of Order : This the 17th Day of February, 1999.

Shri G.L.Sanglyine, Administrative Member.

Shri prabir Kumar Das,
79 Tilla, P.S.East Agartala,
Dist. West Tripura . . . Applicant

By Advocate Shri S.Talapatra.

- Versus -

1. Union of India,
represented by Principal Accountant General,
(Audit), Assam, Meghalaya,
Arunachal Pradesh & Mizoram
at Shillong- 793001.
2. Accountant General (Audit),
Tripura, Agartala.
3. Accountant General (Audit)
Manipur, Imphal.
4. The Deputy Accountant General (Admn.)
Office of the Principal Accountant
General (Audit),
Assam, Meghalaya etc., Shillong-793001. . . . Respondents

By Advocate Shri B.C.Pathak, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER,

Audit

The applicant is a Senior/Officer in the office of the Accountant General (Audit) Tripura, Agartala under respondent No.2. He was transferred on 3.3.1997 to the office of the Principal Accountant General, Audit, Assam, Meghalaya etc., Shillong. Later on there was modification directing the transfer of the applicant to the office of the Accountant General (Audit), Manipur, Imphal. Faced by the situation the applicant submitted representation dated 21.4.1997 requesting the Principal Accountant General (Audit) to allow him to continue in the office of the Accountant General (Audit) Tripura till his date of retirement. The

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ORDER NO. 11 NIS

grounds given by the applicant supporting his representation are that he was due to retire soon and also that he and his wife had serious health problems and other personal problems. The local office at Agartala recommended the prayer of the applicant. However that was rejected by the office of the Principal Accountant General(Audit), Shillong on account of administrative reasons. Hence this application.

2. The respondents have submitted written statement and contested the claim of the applicant. Heard learned counsel of both sides. The contention of Mr S.Talapatra, learned counsel for the applicant is that the order dated 19.5.1997 rejecting the prayer of the applicant was devoid of any reason and without considering the facts placed by the applicant and certified by the local authorities in their letter dated 24.4.1997. It is also without considering the existing policy of not transferring employees at the verge of retirement. After considering the contentions of both sides I am of the view that the order dated 19.5.1997 is not sustainable as being cryptic and without any reason except the vague ground of administrative reason. I therefore set aside the order dated 19.5.1997 (Annexure-9) and direct the respondents to consider the representation dated 21.4.1997 submitted by the applicant. The respondents shall communicate a speaking order to the applicant within 60 days from the date of receipt of this order. The applicant may also submit a fresh representation, if he considers necessary, to the respondents within 15 days from the date of receipt of this order. In case the applicant submits a fresh representation the same shall be considered by the respondents alongwith the previous representation and communicate their decision within the stipulated time.

Application is disposed of. No order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER