

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 393 of 2006

Jabalpur, this the 22nd day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri A.K. Gaur, Judicial Member

Vijay Choithani, Age 29 years,
S/o. Shri Arjun Das Choithani,
Social Security Assistant (SSA),
Provident Fun Organisation,
Sub Regional Office,
O/o. Regional Provident Fund
Commissioner, 132, Zone-II,
M.P. Nagar, Bhopal (MP).

Applicant

(By Advocate – Shri S. Nagu)

V E R S U S

1. Regional Provident Fund Commissioner,
7, Race Course Road, IDA Building,
Indore, M.P.
2. Regional Provident Fund Commissioner-II,
Sub Regional Office,
132, Zone-II, M.P. Nagar,
Bhopal (M.P.).
3. Regional Provident Fund Commissioner,
EPFO, Sub Regional Office,
Vijay Nagar,
Jabalpur (MP).
4. The Board of Trustees through
Central Provident Fund Commissioner,
14, Bhikaji Kama Place, New Delhi.

Respondents

O R D E R (Oral)

By A.K. Gaur, Judicial Member –

The applicant has prayed for quashing the transfer order dated 3.5.2006 (Annexure A-4) on various grounds.

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2. According to the applicant he entered the service in the Provident Fund Organisation on 13.4.1998 and was initially appointed on substantive basis as Lower Division Clerk at regional office, Raipur. After serving for four months at Raipur the applicant was transferred to Bhopal sub regional office on 6.10.1998. In 2002 the respondent No. 1 has issued the rotational transfer policy for the purpose of transferring out surplus staff of the Indore Regional Office to the Sub Regional Offices. Under this policy it was decided that 14 LDCs who are posted at Ujjain and Bhopal Sub Regional Offices and who originally belonged to the Regional Office of Raipur, would be transferred to Gwalior Regional Office.

3. In view of the above said particular clause of the policy the applicant was transferred from Bhopal to Gwalior vide order dated 12.12.2002. Copy of the original transfer policy is annexed at Annexure A-1. During the tenure of the applicant at Gwalior he was promoted to the post of Social Security Assistant/UDC in the pay scale of Rs. 4000-6000/- The posting of the applicant at Gwalior was for a period of one year and he was transferred back to Bhopal sub regional office on 17.12.2003. It has been contended on behalf of the applicant that as per rotational transfer policy the transfers will take place based upon the reasonable and rational criteria of the junior most employee to move first. The applicant had also filed the seniority list of UDC wherein his position is shown at serial No. 598. The copy of the seniority list has also been filed as Annexure A-3. The applicant has already made several representations in this regard and he was assured that he will not be disturbed or transferred from Bhopal until and unless his juniors are transferred out or posted elsewhere from their existing place of posting. To the utter surprise of the applicant the respondent No. 2 issued the impugned order dated 3.5.2006 transferring the applicant from Bhopal to Jabalpur sub regional office.

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4. Having aggrieved by the aforesaid order of transfer dated 3.5.2006 the applicant moved a representation to the competent authority Annexure A-5 for redressal of his grievances.

5. Looking to the facts and circumstances of the case we are of the considered view that the respondents may be directed to dispose of the representation of the applicant within a period of one month from the date of receipt of copy of this order by passing a reasoned and speaking order after taking into account all the points taken in the OA. We further direct that no coercive action be taken against the applicant with regard to his joining on the transferred station for a period of one month from the date of receipt of a copy of this order or till the disposal of the representation, which ever is earlier. Be it noted that we have not expressed our views on the merits of the case.

6. Accordingly, the Original Application stands disposed of at the admission stage itself.

(A.K. Gaur)
Judicial Member

General
(Dr. G.C. Srivastava)
Vice Chairman

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प्रकारकन संख्या..... जबलपुर, दि.....
प्रतिलिपि दाता/दाता -
(1) संविध, उत्तर प्रदेश विधायिका बोर्ड, जबलपुर
(2) आदेशक श्री/महिला/मुख्यमंत्री के काउंसल
(3) प्रत्यक्षी श्री/महिला/मुख्यमंत्री के काउंसल
(4) विधायिका बोर्ड, उत्तर प्रदेश, जबलपुर
सूचना एवं आवश्यक कार्यकारी देख
उपर संस्कृत

Shri S. Nayak HCJB
All Res. Dated

HC 86
3/7/06