

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 179 of 2005

Jabalpur, this the 18th day of February, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Anil Kumar Pare, aged about
46 years, S/o. Shri S.L. Pare,
1022/A Type – I, Sector-II,
VFJ.

.... Applicant

(By Advocate – Shri S. Akthar)

V e r s u s

1. Union of India, through : the Secretary,
Government of India, Ministry of Defence,
Deptt. of Defence Production, New Delhi.
2. Director General, Ordnance Factories,
Ordnance Factory Board, 10-A, Shaheed K.
Bose Road, Kolkata.
3. Senior General Manager, Vehicle
Factory, Jabalpur.

.... Respondents

(By Advocate – Shri P. Shankaran)

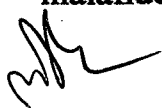
O R D E R (Oral)

By M. P. Singh, Vice Chairman –

Heard the learned counsel for the applicant as well as the learned
counsel for the respondents.

2. By filing this Original Application the applicant has claimed the
following main reliefs :

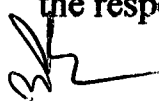
“ii) quash the impugned transfer order being
malafide/discriminatory,



iii) direct the respondents that in case for any reason the applicant has to be transferred from present School, he may be adjusted in the GCF/Khamaria Factory School at Jabalpur."

3. The brief facts of the case are that the applicant is working as a Primary Teacher in Vehicle Factory, Jabalpur. Vide order dated 31st January, 2005 (Annexure A-1) he has been transferred from Vehicle Factory, Jabalpur to Ordnance Factory, Sahajahanpur and has also been relieved on the same date. During the course of argument the learned counsel for the applicant has submitted that the seniority of the Primary Teachers are maintained zone wise and the applicant has been transferred from Jabalpur to Sahajahanpur i.e. from one zone to another, which is not permissible under the rules. The learned counsel for the applicant submitted that the children of the applicant are studying in the schools and at this mid of the session he is not in a position to shift them from Jabalpur to Sahajahanpur and hence he has requested that the respondents be directed not to insist on his transfer and cancel the same in the interest of justice. He has also submitted a representation in this regard on 3rd February, 2005 (Annexure A-5) addressed to the respondent No. 2 and no decision has been taken by the respondent No. 2.

4. In the facts and circumstances of the case, we are of the considered view that ends of justice would be met if we direct the respondent No. 2 to consider and decide the representation of the applicant dated 3rd February, 2005 (Annexure A-5) and take a decision by passing a speaking, detailed and reasoned order within a period of four weeks from the date of receipt of a copy of this order. Till the representation of the applicant is decided by the respondent No. 2 the status quo as existed today shall be maintained. The learned counsel for the applicant is also directed to send a copy of this order as well as the copy of the petition to the respondent No. 2 immediately.



5. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

“SA”

पृष्ठांकन सं ओ/अध्या.....जबलपुर, दि.....
पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय नगर कार्यविभाग, जबलपुर
(2) आवेदक श्री/श्रीमती/श्री.....के काउंसल
(3) प्रत्ययी श्री/श्रीमती/श्री.....के काउंसल
(4) न्यायालय, कोषा, जबलपुर, न्यायालय
सूचना एवं आवश्यक कार्रवाई हेतु

Shri S. Alekhan H.C.B.P

Shri P. Shankaran H.C.B.P


10.3.05
न. उप रजिस्ट्रार

Issued
On 10.3.05
KS