

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING HELD AT GWALIOR

Original Application No. 190 of 2005

Gwalior, this the 23rd day of February, 2005

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

... Applicant

(By Advocate - Shri Arun Katare)

Verus

1. Union of India, through Secretary, Ministry of Finance, New Delhi.
2. Accountant General (A&E), Madhya Pradesh, Gwalior (MP).
3. Senior Account Officer (Admn-I), O/o. Accountant General, Madhya Pradesh, Gwalior (MP). ... Respondents

ORDER (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought the following main relief :

"The applicant prayed that this Hon'ble Tribunal may kindly pleased to allow this application and quashed the orders Annexure A-1 dated 22.11.2004 and A/2 dated 8.2.2005."

2. The brief facts of the case are that the applicant is working as Section Officer (Adhoc) in the office of Accountant General, M.P. Gwalior. Vide order dated 22.11.2004 she has been transferred for a period of 18 months on temporary basis to the office of Accountant General, Chhattisgarh, Raipur. Aggrieved by this transfer she has filed this Original Application.

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3. Heard the learned counsel for the applicant.
4. The learned counsel for the applicant submitted that this is an inter-state transfer as she has been transferred to the office of Accountant General, Chhattisgarh, Raipur which can be done only by way of deputation, and also the consent of the applicant has not been obtained. The learned counsel for the applicant further submitted that the applicant being a lady has to undergo a lot of difficulties in case she is moved out from Gwalior to Raipur. Her husband is working at J.A. Hospital, Gwalior. He also stated that if the applicant is permitted she will submit a fresh representation explaining her difficulties, within a period of 10 days, which could be considered by the respondents.
5. In view of the aforesaid even without issuing notices to the respondents the applicant is directed to file a fresh representation within 10 days, from the date of receipt of a copy of this order. If she complies with this, the respondents are directed to consider her representation and take a decision by passing a speaking, reasoned and detailed order within a period of four weeks from the date of receipt of the representation from the applicant. The applicant is also directed to send a copy of this order as well as the copy of the petition to the respondents immediately. In the meantime no coercive action will be taken by the respondents against the applicant to force her to join at the new place of posting i.e. Raipur. Till then the order of her transfer be kept in abeyance.
6. Accordingly, the Original Application stands disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

"SAC"

(M.P. Singh)
Vice Chairman