

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No 943 of 2005

Jabalpur, this the 3rd day of October, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Hukum Chand Dumar
(SD 352563 C/S/W)
Age 38 yrs.
S/o Sukhlal Dumar
Occupation : Conservancy Safaiwala
M.B. Area Prov Unit, Jabalpur
R/o H.No.706, Belbagh, Chhoti Omti,
Jabalpur.

Applicant

(By Advocate – Shri N.S. Ruprah)

VERSUS

1. Union of India,
Through Defence Department
Government of India,
New Delhi.
2. Additional Director General of Manpower
MP-4 (Civ) (b)
Adjutant General's Branch
Army Headquarters
DHQ Po, New Delhi.
3. Deputy Director MP-4 (Civ) (b)
MP-4 (Civ) (b)
Adjutant General's Branch
Army Headquarters
DHQ Po, New Delhi.
4. Commanding Officer
Headquarter MB Area Prov Unit Jabalpur.
5. Rajan Kumar
Age 45 years
S/o Chotelal
Occupation : Conservancy Safaiwal.
M.B. Area Prov Unit Jabalpur
MGH Colony, Fish Market
Bairagarh, Bhopal

Respondents



ORDER (Oral)

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

“(i) ...to quash Annexure-A-1 and to permit the applicant to continue at Jabalpur as per order dated 18.2.05, Annexure-A-2.”

2. The brief facts of the case as stated by the applicant are that the applicant was appointed as Conservancy Safaiwala under the respondents on 30.11.1990. He has a permanent resident at Jabalpur, therefore he is interested to serve at Jabalpur. He was transferred from Bhopal to Jabalpur vide order dated 18.2.2005 (Annexure-A-2). However, the aforesaid transfer order has been cancelled vide order dated 19.9.2005 (Annexure-A-1). Hence, this OA.

3. Heard the learned counsel for the applicant, who argued that the applicant is a class 4th and is a very low paid employee and also he has permanent resident at Jabalpur. The children of the applicant are studying at Jabalpur, therefore he has very difficult to serve at Bhopal. The learned counsel for the applicant further argued that the applicant has not yet been relieved from Jabalpur. The learned counsel for the applicant also argued that he will be satisfied if the applicant is permitted to file a fresh representation before the respondents and the said representation be considered and decided by the respondents, till then he will not be disturbed from the present place of posting at Jabalpur.

4. In view of the submissions made by the learned counsel for the applicant and considering all the facts and circumstances of the case, I direct the applicant to file a fresh representation before the respondents within a week from today. If he complies with this, the respondents are directed to consider the aforesaid representation of the applicant and take a decision on it within a period of one month from the date of receipt of a copy of such representation by passing a



detailed, reasoned and speaking order. Till the representation of the applicant is decided by the respondents, the applicant will not be disturbed from his present place of posting. The learned counsel for the applicant is directed to supply a copy of this order along with this petition to the respondents immediately.

5. With the above directions the OA stands disposed ^{of} at the admissions stage itself.

(Madan Mohan)
Judicial Member

पृष्ठंकन सं. ओ/व्या.....जबलपुर, दि.....

पत्तिलिपि आदेशित:- skm

(1) सचिव, उच्च न्यायालय एवं उच्च न्यायालय, जबलपुर

(2) आदेशित न्यायाधीश/न्यायाधीश (सिविल) एवं न्यायाधीश (कानून) के कार्यालय

(3) प्रमुख न्यायाधीश/न्यायाधीश (कानून) के कार्यालय

(4) राज्यपाल, छत्तीसगढ़

सूचना एवं आगमन के माध्यम से

द्वारा रजिस्ट्रार

Filed
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4/11/05

Mr. Ruprah B.N.O.