

Central Administrative Tribunal
Jabalpur Bench

OA No.1194/05

Jabalpur, this the 22nd day of December, 2005.

C O R A M

Hon'ble Mr. Madan Mohan, Judicial Member

Dhirendra Naidu
S/o Shri R.G.Naidu
R/o 373/6 Parel Line
G.C.F. Estate, Distt. Jabalpur (MP)
Post-Junior Hindi Translator-II
In the office of Regional Provident
Fund Commissioner
Jabalpur.

Applicant

(By advocate Shri S.Nagu)

Versus

1. Employees Provident Fund Organization
Through its Central Provident Fund Commissioner
EPFO, Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi.
 2. Regional Provident Fund Commissioner
Employees Fund Organization
Regional Office- M.P.
7, Race Course Road Indore
District, Indore.
 3. Regional Provident Fund Commissioner
Employees Provident Fund Organization
Sub Regional Office, Scheme No.5
Vijay Nagar, Behind Krishi Upaj Mandhi
Jabalpur.
- Respondents

ORDER (oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:



- (i) Quash the impugned order dated 16.12.2005 (A-5) and the relieving order dated 21.12.2005 (A-6) as being void, unlawful and arbitrary.
- (ii) Declare that the action of the respondents in transferring the applicant out of Jabalpur amounts to violation of the avowed policy of transfer.

2. The brief facts of the case are that the applicant entered the Employees Provident Fund Organization on 13th July 1999 as Junior Hindi Translator. His wife is serving as Office Assistant- in the Public Works Department at Jabalpur. On his representation, the applicant was transferred from Pune to Jabalpur vide letter dated 27.1.2004 (Annexure A3) and by order dated 19.1.2004 issued by respondent No.1. Respondent No.2 has now passed an order of transfer of the applicant with immediate effect vide letter-dated 16.12.05 (Annexure A5) from Jabalpur to Ujjain. Respondent No.2 has also passed an order-dated 21.12.2005 (Annexure A6) whereby the applicant is ordered to be relieved w.e.f. 23.12.005 AN. The applicant has moved a representation.

3. Heard learned counsel for the applicant. The learned counsel of the applicant argued that the applicant's wife is serving at Jabalpur and he ~~was~~ ^{is} transferred from Jabalpur to Ujjain vide order of respondent No.2 dated 16.12.2005. The applicant has filed a representation to respondent No.2 on 21.12.2005 (Annexure A7). The learned counsel for the applicant further submitted that he would be satisfied if directions are given to respondents to consider and decide the representation of the applicant within a stipulated time and in the meantime, the applicant be not disturbed from his present place of posting.

4. In view of the submission made by the learned counsel for the applicant, I deem it appropriate to direct the applicant to submit a fresh representation to respondent No.1 ^{within a week from today} and if he complies with this then respondent No.1 is directed to consider and decide the representation of the applicant. Accordingly, the applicant is directed to submit a fresh representation to respondent No.1 within a week



from today and respondent No.1 is directed to consider and decide the representation of the applicant within a month from the date of receipt of such representation by passing a detailed and speaking order. Till a decision on the representation is taken, the applicant shall not be disturbed from his present place of posting.

5. Applicant is further directed to furnish a copy of the OA as well as a copy of this order to respondent No.1 immediately.

(Madan Mohan)
Judicial Member

aa.

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय एवं एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) मजिस्ट्रेट, के.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

1.10099 BN
Res No. 1.
(with attached)
(Copy of OA)

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22-12-95