

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 791 of 2004

Jabalpur, this the 20th day of September, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Ashok Nath Sarkar, S/o. Shri
Amrendra Nath Sarkar, Aged about
54 years, R/o. 65, Type-III, Shastri
Nagar, Gandhi Road, Gwalior.

... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Personnel,
Public Grievances and Pension (Deptt.
of Personnel & Training), New Delhi.
2. The Comptroller & Auditor General of
India, Bahadur Shah Zafar Marg, New
Delhi.
3. The Principal Accountant General,
(Audit)-I, Madhya Pradesh,
Gwalior (MP).
4. The Accountant General, A&E-II,
Madhya Pradesh, Gwalior.
5. The Sr. Accounts Officer (Admn.),
O/o. the Principal Accountant,
General (Audit)-I, Madhya Pradesh,
Gwalior (MP).

... Respondents

(By Advocate - Shri P. Shankaran, Addl. Central Govt.
Standing Counsel)

O R D E R (Oral)

Heard the learned counsel for the applicant as well
as Shri P. Shankaran, Addl. Central Govt. Standing
Counsel.

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

"(ii) set aside the transfer order dated 2.9.2004
Annexure A-1 and the order dated 27.8.2004 Annexure
A-5,

(iii) direct the respondents to permit the applicant
to perform his duty at Gwalior, as if the impugned
transfer order dated 2.9.2004 Annexure A-1 and the
order dated 27.8.2004 Annexure A-5 has never
been issued."



3. The brief facts of the case are that the applicant is challenging the order dated 2.9.2004 (Annexure A-1) by which he is transferred from the office of respondent No. 4 to the office of Accountant General, Chhattisgarh on temporary basis for about 18 months. The transfer order has been issued contrary to the transfer policy Annexure A-2.

4. The learned Addl. Central Govt. Standing Counsel Shri P. Shankaran argued that similar matter having same facts has been considered and decided by the Division Bench of this Tribunal in the case of Bijon Kumar Bhattacharya & Ors. Vs. UOI & Ors. in OA No. 350/2004 on 15th June, 2004 and the Tribunal dismissed the OA after considering all the facts and circumstances of the case.

5. After considering the facts of the present case and perusing the order passed by this Bench of the Tribunal in the case of Bijon Kumar Bhattacharya & Ors (supra), I am of the opinion that the decision passed in that OA is applicable to the present case. Thus, I order that the order passed in the aforesaid judgment of Bijon Kumar Bhattacharya & Ors. (supra) will mutatis mutandis apply to the present Original Application.

6. Accordingly, the Original Application is dismissed at the admission stage itself, in view of the aforesaid observation.

(Madan Mohan)
Judicial Member

पूरांकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अद्योचित:-
(1) सचिव, उच्च न्यायालय वर एसोसिएशन, जबलपुर
(2) आदेशक श्री/श्रीमती/कु.....के काउंसल
(3) प्रमुख, श्री/श्रीमती/कु.....के काउंसल
(4) प्रमुख, उच्च न्यायालय, जबलपुर, दि.....
सूचना एवं आवश्यक कार्यवाही हेतु
उप निर्देश

Shri S. Paul. HC JB
Shri Ashokan HC JB

Issued
on 20.9.04
AS