

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.879/04

Jabalpur, this the 14th day of October, 2004.

CORAM

Hon'ble Mr.Madan Mohan, Judicial Member

Laxmi Narain Meena
S/o Shri R. C.Meena
R/o G-1 NVDA Colony
M.Azad Marg
Badwani (MP)

Applicant

(By advocate: Shri S.Paul)

Versus

1. The Compotroller and Auditor General
10, Bahadur Shah Zafar Marg
New Delhi.
2. The Accountant General
A.G.Office
Jhansi Road
Gwalior.
3. The Sr.Deputy Accountant General
O/o Accountant General
(Ac counts & Entitlement)
1st Bhopal Branch
53, Arera Hills
Bhopal.
4. The Commissioner (Audit)
Narmada Valley Development Authority
NVDA, 59, Narmada Bhawan
Arera Hills, Bhopal.

Respondents.

(By advocate None)

ORDER (oral)

By Madan Mohan, Judicial Member

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

- (i) Set aside Annexure A1 dated 5.10.04 and order dated 8.10.04 (Annexure A2).
 - (ii) Direct the respondents to perform his duty in the office of Executive Engineer, Narmada Valley Development Authority, Division No.22, Badwani in pursuance to the order dated 9.7.04.
2. The brief facts of the case are that the applicant was initially appointed as Divisional Accountant on probation




on 31.12.97. when he was posted at Badwani, his tenure was further extended for one year vide order dated 9.7.04 (Annexure A3). Due to the extended period, the applicant got his son admitted at Paramount Academy, Silahud Road, Badwani but the Commissioner (Audit), NVDA issued an order dated 5.10.04 whereby the applicant was transferred from the office of Executive Engineer, NVDA Division No.22 to the office of NVDA (Canal) Division No.1, Khargone, while the order dated 9.7.04 was already executed by the applicant. The State Government have no authority, jurisdiction and competence to transfer the applicant. Thus the order dated 5.10.04 is void ab-initio. Subsequently vide order dated 8.10.04, the applicant's extended period was cancelled which is against law. The posting of the applicant had been ordered by Accountant General.

3. Heard learned counsel of the applicant who argued that the representation of the applicant dated 12.10.04(A-4) addressed to the Comptroller and Auditor General, New Delhi is still pending and that the applicant would be satisfied if a direction is given to the respondent No.1 to consider and dispose of the representation of the applicant.

4. Respondent No.1 is directed to consider the aforesaid representation of the applicant dated 12.10.04 within a period of 2 months from the date of receipt of a copy of this order. Meanwhile, it is ordered that the applicant shall not be disturbed from his present place of posting, if he is still serving at Badwani.

5. The OA is accordingly disposed of at the admission stage.


(Madan Mohan)
Judicial Member