

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

11.09.2007

OA No.485/2006 with MAs 208/2007 & 206/2007

Mr. C.B. Sharma, Counsel for applicant.

Mr. Pradeep Shrimai, Counsel for respondents.

On the request of the learned counsel for the parties, let the matter be listed for hearing on **10.10.2007.**

Tarsem Lal
(TARSEM LAL)

MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)

MEMBER (J)

AHQ

OA No.485/2006 with MA No.240/2007.

10.10.2007:

Mr. C.B. Sharma, counsel for the applicant.

Mr. Pradip Shrimai, counsel for the respondents.

Heard. The OA as well as MA stand disposed of by a separate order.

H. P. Shukla
(H. P. SHUKLA)

ADMINISTRATIVE MEMBER

M. L. Chauhan
(M. L. CHAUHAN)

JUDICIAL MEMBER

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 485/2006 with MA No.240/2007.

Jaipur, this the 10th day of October, 2007.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. shukla, Administrative Member.

Brinender Kumar
S/o Late Shri Ram Bharose Lal,
Aged about 53 years,
R/o 111/7, Mansarovar,
Jaipur.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India,
Through its Secretary
Ministry of Water Resources,
Shram-Shakti Bhawan,
New Delhi.
2. Chairman,
Central Ground Water Board,
Ministry of Water Resources,
NH-IV, New Bhoojal Bhawan,
Faridabad 120001 (Haryana).
3. Regional Director,
Central Ground Water Board,
6A Jhalana Doongri,
Jaipur.

... Respondents.

By Advocate : Shri Pradip Shrimal.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

"i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to modify order dated 11/10/2006

(Annexure A/1) to the extent of posting at Jaipur instead of Faridabad by quashing letter dated 23/11/2006 (Annexure A/2) with all consequential benefits.

(ii) That the respondents be further directed to transfer the post from Nagpur to Jaipur instead of Faridabad and Annexure A/1 to extent of transferring the post to Faridabad be modified.

(iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. The matter was taken up for admission/hearing on number of occasions and finally on 6.09.2007, on which date, this Tribunal passed the following order :-

".....Having regard to the contentions of the applicant, I think it would be appropriate if the respondents, who have cancelled the promotion order merely because the applicant had refused to join at Faridabad, may reconsider the case and if possible may allow the applicant to join at Faridabad. However, Learned Counsel for the respondents seek time to have instructions from the department....."

3. Pursuant to the aforesaid order, the Respondents have reconsidered the matter and by way of MA No.240/2007, they have annexed a copy of order dated 28.09.2007 whereby the respondents have agreed to cancel the order dated 22.08.2007 and time up to 9.10.2007 has been granted to the applicant to report for duty at CGWB, CHQ, Faridabad, latest by 9.10.2007. Learned Counsel for the applicant submits that his client is hospitalized as he has undergone the operation of Hernia and as such, he is not in a position to join and prays that further three

weeks time may be granted to the applicant so as to enable him to join at CGWB, CHQ, Faridabad. This prayer is opposed by the Learned Counsel for the respondents.

4. We have given due consideration to the submissions made by the Learned Counsel for the parties. We are of the view that in view of the peculiar facts and circumstances of the case, it will be in the interest of justice if some time is granted to the applicant to report for duty at CGWB, CHQ, Faridabad. Accordingly, the time up to 25.10.2007 is granted to the applicant to report for duty at CGWB, CHQ, Faridabad and in case the applicant does not report for duty on or before 25.10.2007, the order of promotion as issued vide order dated 28.09.2007 shall stand cancelled.

5. With these observations, the OA as well as MA No.240/2007 stands disposed of.



(J. P. SHUKLA)
ADMINISTRATIVE MEMBER



(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./