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THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s)/

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>31.05.2007</u></p> <p><u>OA No. 138/2007 with MA 114/2007</u></p> <p>Mr. P.N. jatti, Counsel for applicant. Mr. Kunal Rawat, Sr. Standing Counsel for respondents.</p> <p>Heard the learned counsel for the parties.</p> <p>The OA is disposed of by a separate order, for the reasons recorded therein.</p> <p style="text-align: right;"> (J.P. SHUKLA) MEMBER (A)</p> <p>AHQ</p>

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Jaipur, the 31st day of May, 2007

ORIGINAL APPLICATION NO.138/2007

CORAM:

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Hanuman Sahai son of Late Shri Sita Ram by caste Sharma aged about 56 years, resident of Paldi Meena, Agra Road, Jaipur. Presently working as Driver in the Office of Central Water Commission Prabodhan and Mulyankan Directorate Kendriya Sadan, Block 'A' Room No. 107, Sector-10, Vidhyadhar Nagar, Jaipur.

By Advocate: Mr. P.N. Jatti

.....Applicant

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Water Resources, Department of Central Water Commission, Seva Sadan, R.K. Puram, New Delhi.
2. Chief Engineer, Central Water Commission, Yamunabasin, Organisation Kalandi Bhawan, Tora Ki Sent Road, New Delhi.
3. Superintending Engineer, Central Water Commission, Planning Circle, 1065-68, Type-5, N.H. 4, New Delhi.
4. Director, Prabodhan and Mulyankan Directorate, Kendriya Sadan, Block A, Room No. 107, Sector 10, Vidhyadhar Nagar, Jaipur.

By Advocate: Mr. Kunal Rawat (Sr. Standing Counsel)

.....Respondents

ORDER (ORAL)

The applicant has filed this OA assailing the order dated 24.04.2007 (Annexure A/1) whereby he has been transferred from

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Jaipur to Guwahati and order dated 25.04.2007 (Annexure A/2) whereby he has been relieved on 25.04.2007 (A/N) and has prayed for quashing and setting aside of these order.

2. Learned counsel for the applicant submitted that the applicant has been transferred from Jaipur to Guwahati vide order dated 24.04.2007 (Annexure A/1) and the same was served upon him. However, vide order dated 26.12.2005 (Annexure A/3), all the officer below the level of Chief Engineer and Staff members (excluding Group D) were given an opportunity to indicate their three choice place of posting. Accordingly, the applicant vide his application dated 18.01.2006 (Annexure A/4) submitted three place of posting as Delhi, Faridabad and Chambal Division (Jaipur). Vide order dated 03.03.2006 (Annexure A/6), the applicant was informed that he could not be transferred to his choice place of posting as there was no replacement and again & again, the respondents are refusing to transfer the applicant to the place of his choice. Learned counsel for the applicant argued that ~~that~~ ^{there} is a vacancy at Delhi and Chambal Division (Jaipur) but still he has been transferred to a far off place i.e. at Guwahati at the old age of 56 years and being a low paid employee, the administration should have sympathetically consider~~d~~ the case of the applicant for not transferring him at a far off place i.e. at Guwahati.

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3. Learned counsel for the respondents argued that there has been absolutely no malafide in transferring the applicant to Guwahati and there is no violation of any statutory rules and the transfer order has been issued by the competent authority and he has also been relieved vide order dated 25.04.2007. The applicant had himself requested for giving 'No Dues Certificate' in his favour. However, while issuing notices, this Tribunal vide order dated 03.05.2007 directed the applicant to make a representation to the respondents against his transfer inviting their attention towards circular dated 26.12.2005 (Annexure A/3), on which the respondents shall pass a reasoned and speaking order as to why he could not be transferred to the place of his option submitted by him within a period of one month from the date of receipt of the representation. Accordingly, the respondents vide order dated 15.05.2007 (Annexure R/2) have considered the representation of the applicant wherein they have stated that there was no vacancy at any of the requested places of the applicant and moreover, there is another driver named, Shri Ashok Kumar, who has priority no. 53 of the Request Register while the applicant has priority no. 74 of the Request Register. Learned counsel for the respondents argued that even if there is any vacancy at Chambal Divison (Jaipur) and Delhi, the vacancy goes to Ashok Kumar and the case of the applicant does not stand in any way. Learned counsel for



the respondents also submitted that the applicant is working in Rajasthan since 1977 till date. There is no violation of rules in transferring the applicant at Guwahati as he is having the All India transfer liability and he can be transferred to anywhere in India at any time and has no right to remain at Jaipur.

4. After hearing the learned counsel for the parties and perusal of the records, this Tribunal observed that in this case there is no malafide and no violation of statutory rules and the transfer order has been issued by the competent authority and, therefore, this Tribunal will not like to interfere in this transfer order dated 24.04.2007 (Annexure A/1). Accordingly, the OA is dismissed. However, the respondents are directed to treat the period of the applicant from 25.04.2007, the date of his relieving, till date to be treated as on *if applied by the Applicant* *Leave.* The Cheque which was available with the respondents was given to the learned counsel for the applicant. The applicant is directed to handover the keys of the Vehicle to the Department and the respondents will issue 'No Objection Certificate.'



(J.P. SHUKLA)
MEMBER (A)

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