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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

12.07.2007

CA No. 116/2007 with MA No. 146/2007.

OA No. 05/2006

Mr. P.V. Calla Counsel for applicant.
Mr. Kunal Rawat counsel for the official
respondents.
None is present for other respondents.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Division Bench on 12.07.2007.

(GURMIT SINGH)

DEPUTY REGISTRAR

P.C./

12.07.2007

OA No.05/2006

Mr. P.V. Calla, Counsel for applicant.
Mr. Anupam Agarwal, Counsel for respondents.

Heard the learned counsel for the parties. The OA is dismissed by a separate order, for the reasons recorded therein.

(J.P. SHUKLA)
MEMBER (A)

AHQ

Reply to MA failed

(J.P. SHUKLA)
MEMBER (A)

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

Jaipur, the 12th day of July, 2007

ORIGINAL APPLICATION NO. 146/2007

With

Misc. Application No. 147/2007

CORAM:

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

P.R. Meena son of Shri Ram Narain Meena aged about 41 years, resident of 14, Gokulpuri, Opposite Airport Sanganer, presently working as Secretary in Rajasthan State Social Welfare Board, 70/87, Patel Marg, Mansarovar, Jaipur.

By Advocate: Mr. P.N. Jatti

.....Applicant

Versus

1. Union of India through Secretary to the Government of India, Department of Women and Child Development, Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
2. The Executive Director, Central Social Welfare Board, B-12, Samaj Kalyan Bhawan, Kutub Institutional Area, New Delhi.
3. Chairperson, Rajasthan State Social Welfare Board, 70/87, Patel Marg, Mansarovar, Jaipur.

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

.....Respondents

ORDER (ORAL)

Heard the learned counsel for the parties.



2. Learned counsel for the applicant submitted that applicant has been posted in Jalpur on his own request vide order dated 27.05.2006 and even one year's time has not been passed, he has been further transferred to Uttranchal vide impugned order dated 18.04.2007 (Annexure A/1). He further submitted that the respondents have not adopted any policy in regard of transfer and the applicant has been transferred from one place to another frequently and they do not allow him to work on one place even up to a tenure of three years.


3. Learned counsel for the respondents argued that it is not a case of single transfer and forty two persons have been transferred vide impugned order dated 18.04.2007 (Annexure A/1) under the restructuring Scheme for optimum utilization of existing manpower and resources. Out of 42 transfers issued, all the persons have joined their place of posting except the present applicant. The applicant was relieved on 26.04.2007 and he has also received Transfer TA Advance of Rs.20,000/- vide cheque No. 282387 dated 26.04.2007 but nothing was mentioned by him in the petition regarding the relieving order and the receipt of the TA Advance and thus he has concealed

[Signature]

all these facts from this Hon'ble Tribunal. Learned counsel for the respondents further submitted that Shri O.P. Gupta has already joined at Jaipur vice the applicant.

4. After hearing the learned counsel for the parties and perusal of records, it is observed there is no mala fide intention of the respondents in issuing the transfer order and there is also no violation of statutory provisions and the transfer order has been issued by the competent authority. Therefore, this Tribunal would not like to interfere in the impugned transfer order dated 18.04.2007 (Annexure A/1), issued by the respondents. Hence the OA is dismissed with no order as to cost. The interim stay in favour of the applicant, granted on 17.05.2007, shall stand automatically vacated.

5. In view of the order passed in the OA, there is no need to pass any order in MA No. 147/2007, filed by the respondents for vacation of interim stay. The same is accordingly disposed of.


(J.P. SHUKLA)
MEMBER (A)

AHQ