

18
08.10.2009

**OA No. 76/2009 with MA 230/2009, 248/2009 and
296/2009**

**Mr. P.N. Jatti, Counsel for applicant.
Ms. Kavita Bhati, Proxy counsel for
Mr. Kunal Rawat, Sr. Standing Counsel for
respondents.**

Heard learned counsel for the parties.

**For the reasons dictated separately, the OA is
disposed of.**


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 08th October, 2009

ORIGINAL APPLICATION NO. 76/2009

With

Misc. Applications nos. 230/2009, 248/2009 & 296/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

R.J. Prasad son of Late Shri Ramlakhan by caste Kshatriya, aged about 50 years, resident of Type 4/17, CPWD Colony, Nirman Vihar-I, Sector-II, Vidhyadhar Nagar, Jaipur. Presently working as Junior Engineer in the office of Director Monitoring and Appraisal, Central Water Commission Kendriya Sadan Khan 'A' Room No. 107, Sector 10, Vidhya Dhar Nagar, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Water Resources, Shram Shakti Bhawan, Raji Marg, New Delhi.
2. Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi.
3. Chief Engineer, Yamuna Basin Organisation, Central Water Commission, Kallindi Bhawan, Tara Cresant Road, Qutub Institutional Area, New Delhi.
4. Director Monitoring Appraisal, Central Water Commission, Kendriya Sadan, Block A, Room No. 107, Sector 10, Vidhyadhar Nagar, Jaipur.

.....RESPONDENTS

(By Advocate: Ms. Kavita Bhati proxy to Mr. Kunal Rawat- Sr. Standing counsel)

ORDER (ORAL)

The applicant has filed this OA against the order dated 06.02.2009 (Annexure A/1) vide which he was transferred from Jaipur to Khatauli and order dated 27.02.2009 (Annexure A/2) whereby he was relieved w.e.f. 03.03.2009.

2. When the matter was listed on 02.03.2009, this Tribunal passed the detailed order and stayed the operation of the impugned orders on the ground that the representation of the applicant appears to have not been considered by Respondent No. 3 in the right perspective. Thereafter the said interim stay was continued from time to time.

3. The respondents have filed their reply. In the reply, the respondents could not place the order passed by respondent no. 3 on record whereby the representation of the applicant was considered by passing a reasoned and speaking order. It may be stated that the grievance of the applicant, as highlighted by him in his representation, was regarding his transfer in mid academic session, which may hamper the study of his children and secondly on the ground of illness of his wife. Although the transfer of the applicant during mid academic session does not survive but regarding the grievance of the applicant that he should be ^{transferred to} ~~place at~~ a place where medical facility for treatment of his wife is available, now the respondents have passed a detailed order dated 27.08.2009 (Annexure MA/1) in compliance of the order passed by this Tribunal, which order has been placed on record with MA No. 296/2009 filed by the applicant. On the last part of this order, it has been mentioned that the request of the applicant for retention at Jaipur cannot be agreed to. However, considering the personal problems expressed by the applicant and taking a sympathetic view, his transfer can be considered for Middle Chambal Sub Division, Kota where a vacancy in the grade exists, if he opts for the same.

4. Learned counsel for the applicant submits that the applicant is prepared to exercise this option pursuant to order dated 27.08.2009 (Annexure MA/1) and such option shall be exercised within a period of three days from today.

5. In view of this subsequent development, the appropriate authority is directed to pass fresh order thereby transferring the applicant to Middle Chambal Sub Division, Kota pursuant to option to be exercised by him within three days from today. Till the appropriate order is not passed by the appropriate authority in the manner as stated above, the interim stay granted by this Tribunal vide order dated 02.03.2009, which was continued from time to time, shall remain operative. The OA shall stand disposed of accordingly.

6. In view of the order passed in the OA, no order is required to be passed in Misc. Applications nos. 230/2009, 248/2009 and 296/2009 which are disposed of accordingly.



(M.L. CHAUHAN)
MEMBER (J)

AHQ