

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 12th day of July, 2010

ORIGINAL APPLICATION No.320/2010

CORAM :

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

Purshottam Srivastava,
Director,
Geological Survey of India, Paleontology Division,
Jhalana Doongri,
Jaipur.

... Applicant

(By Advocate : Shri P.P.Mathur)

Versus

1. Union of India through
Secretary,
Ministry of Mines,
Central Secretariat,
New Delhi.
2. Director General,
Geological Survey of India,
Central Headquarter,
27, Jawahar Lal Nehru Road,
Kolkata.

... Respondents

(By Advocate : Shri D.C.Sharma)

ORDER

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA against the impugned order- dated 1.6.2010 (Ann.A/1), whereby he has been transferred from Jaipur to Nagpur.

2. Grievance of the applicant in this case is that his daughter is disabled and his wife is also working in the State Government. As such, he should not have been transferred in view of the guidelines issued by the department in that behalf and more particularly the circular dated 14.6.2010 (Ann.A/13), which stipulates that; *"Officers having physically and mentally challenged child and also having serious ailing dependent parents will be retained in consideration of their emergency and continued medical treatment"*.

3. Learned counsel for the applicant submits that the applicant has already made a representation on 28.4.2010 to respondent No.2 (Ann.A/5) thereby highlighting the aforesaid grievances.

4. Learned counsel for the applicant further submits that even the applicant is not physically fit and this is also one of the grounds which warrant cancellation of the impugned transfer order (Ann.A/1).

5. I have heard learned counsel for the applicant. Shri D.C.Sharma, Advocate, also puts-in appearance and submits that he is authorised to appear in this case on behalf of the respondents.

6. Learned counsel for the applicant submits that he will be satisfied, at this stage, if a direction is given to respondent No.2 to decide the representation of the applicant (Ann.A/5) within a prescribed period. He further submits that he may also be permitted to file an additional representation thereby raising a further ground regarding ill health of the applicant.

7. Since representation of the applicant is pending and, admittedly, the order of transfer will cause lot of difficulties and dislocation of the family set-up of the applicant, I am of the view that such a grievance and personal difficulties can be

raised by the applicant before the appropriate authority, who may look into the matter objectively.

8. Accordingly, I am of the view that in case the applicant files a fresh representation within a period of seven days, respondent No.2 shall consider the same and pass an appropriate order. However, in case no fresh representation is filed by the applicant within the stipulated period, respondent No.2 shall dispose of the earlier representation of the applicant dated 28.4.2010 (Ann.A/5) taking into consideration the grievances so raised by the applicant in his representation. Till such a representation is not disposed of by respondent No.2, the respondents shall maintained status-quo qua transfer of the applicant vide impugned order dated 1.6.2010 (Ann.A/1).

9. With these observation, the OA stands disposed of with no order as to costs:


(M.L.CHAUHAN)
MEMBER (J)

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