

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

This the 2nd day of September, 2010

ORIGINAL APPLICATION NO.404/2010

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

Dr. Manish Shrivastava,
s/o Shri L.K.Shrivastava,
r/o 42/56/10, Mansarovar,
Jaipur, presently working as
Junior Hydro-Geologist, in
Central Ground Water Board (WR),
Jaipur.

.. Applicant

(Applicant present in person)

Versus

1. The Union of India
through Secretary to the
Ministry of Water Resources,
Government of India,
Shram Shakti Bhawan,
Rafi Marg;
New Delhi.
2. Chairman,
Central Ground Water Board,
Government of India,
CHQ, New CGO Complex,
NH-IV, Faridabad.
3. Shri Manoj Shrivastava,
Regional Director (Western Region),
Central Ground Water Board,
6-A Jhalana Institutional Area,
Jaipur.

.. Respondents

(By Advocate:)

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ORDER (ORAL)

Heard the applicant, who is present in person.

2. The applicant has filed this OA thereby challenging the impugned order dated 13th August, 2010 (Ann.A/1) whereby he has been transferred from WR, Jaipur to SR, Hyderabad and another order dated 13.8.2010 (Ann.A/2) whereby the applicant has also been relieved w.e.f. 13.8.2010 (AN). The case as projected by the applicant in this OA is that he has been transferred on account of mala-fide action on behalf of the respondents, inasmuch as, respondent No.3 managed to get the order of transfer from respondent No.2 and also on account of filing of OA No.157/2003 by the applicant in this Tribunal which was allowed vide order dated 31.5.2004. This order of the Tribunal was subsequently affirmed when the Writ Petition filed by the respondents was dismissed by the Hon'ble High Court on 13.2.2008 upholding the order of this Tribunal and further the Contempt Petition filed by the applicant. It is evident from the record that the said contention has not been raised by the applicant in his representation dated 18.8.2010 (Ann.A/5) whereby the applicant has ventilated his grievance regarding the impugned transfer, which according to the applicant, has been made in violation of the transfer policy.

3. Be that as it may, the applicant who is present in person submits that he does not want to press this OA at this stage with liberty reserved to him to file a fresh representation to respondent No.1 thereby highlighting his grievances and hardships which are being caused on account of the impugned transfer including the

grounds raised by him in his earlier representation dated 18.8.2010 (Ann.A/5).

4. In view of what has been stated above and the fact that the impugned transfer order has been passed with the approval of respondent No.2 i.e. Chairman, Central Ground Water Board, it will be appropriate if representation is made and decided by the higher authority. Accordingly, the applicant is permitted to file fresh representation before respondent No.1 thereby raising all permissible grounds including the grounds raised in this OA as well as in his earlier representation and in case such representation is filed within a period of one week from today, the respondent No.1 shall consider and dispose of the same by passing reasoned and speaking order within a period of one month from the date of receipt of such representation.

5. It is made clear that this Tribunal has not gone into merit of the case and the present OA is being disposed of solely on the ground that the applicant should highlight his grievance before the administrative authority at the first instance who should consider the same sympathetically and in accordance with law.

6. With these observations, the OA stands disposed of at admission stage.

7. Needless to add that in case the applicant is still aggrieved, it will be open for him to file substantive OA thereby challenging the order to be passed by the respondents.


(M.L.CHAUHAN)
Judl. Member

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