

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 30th day of November, 2010

ORIGINAL APPLICATION NO. 512/2010

CORAM

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

Ashok Mathur son of shri S.M. Mathur, aged about 56 years, resident of 94, Vinoba Vihar, Malviya Nagar, Jaipur. Presently posted as Director (Chemistry), Geology Survey of India, Western Region, Jaipur.

.....Applicant

(By Advocate: Mr. P.P. Mathur)

VERSUS

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

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA against the order dated 06.10.2010 (Annexure A/1) whereby he was transferred from Western Region, Jaipur to Kolkatta Headquarter and order was to be made effective with effect from 01.11.2010. However, vide order dated 28.10.2010 (Annexure A/2), the implementation of the order qua the applicant was deferred till 30.11.2010. The grievance of the applicant is that such transfer order has been made in violation of the transfer policy formulated by the respondents on 07.01.2010 (Annexure A/3). For that purpose, the learned counsel for the applicant has relied upon Para No. 5.6 (ii) which provides that subsequently redeployment shall take place every eight years till they are promoted to the SAG level. And Para No. 14.1 which stipulates that a officer with less tenure at a

station shall not be transferred out except on request, unless all officers with a longer tenure than him in the same grade and stream have been included in the transfer order.

2. The applicant has also made a representation dated 05.10.2010 (Annexure A/7) followed by another representation dated 12.11.2010 (Annexure A/8) to the Director General, GSI, Kolkatta whereby he had pleaded the violation of the transfer policy in the manner stated above. In representation dated 05.10.2010, the applicant has further stated that prior to the transfer of the applicant, one of the Directors (Chem.) were transferred to Kolkatta but the said order was not implemented, which has resulted into his transfer vide impugned order dated 04.10.2010.

3. I have given due consideration to the submission made by the learned counsel for the applicant. I have also perused the transfer policy (Annexure A/3). Para 17.1 of the said transfer policy stipulates that an officer can make representation against the transfer order through proper channel to the Director General, GSI and all such appeal shall be with specific reference to the provisions of this Policy. Para 17.2 further stipulates that in the event of redeployment order not modified/cancelled within 30 days from the date of written representation, Mission/Division/Region/State Unit/Lab shall ensure that officer is relieved by the date prescribed in the redeployment order.

4. In view of this specific provision of Appeal as stipulated in Para No. 17 of the Transfer policy and the fact that the representation of

the applicant has not been decided so, I am of the view that it will be in the interest of justice if the direction is given to the respondents to decide the representation of the applicant dated 12.11.2010 (Annexure A/8). Accordingly, the respondent no. 2 is directed to decide the representation of the applicant dated 12.11.2010 (Annexure A/8) by passing a reasoned and speaking order. Till such representation is not decided, the applicant shall not be relieved pursuant to the order dated 06.10.2010 (Annexure A/1) read with another order dated 28.10.2010 (Annexure A/2).

5. With these observations, the OA is disposed of at admission stage itself with no order as to costs.



(M.L. CHAUHAN)
MEMBER (J)

AHQ