3

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

27.06.2012

OA No. 421/2012

Mr. Ved Prakash, Counsel for applicant.

Heard learned counsel for the applicant. The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 27th day of June, 2012

ORIGINAL APPLICATION No. 421/2012

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Babu Lal Yadv son of Shri Prabhati Lal Yadv, aged 52 years, permanent resident of Village Jakhani, Via Dhor Kalan Tehsil Narnaul, District Mahendragrah. Presently working as Driver (Civil GT) in 706 Transport Company ASC (Civil GT), Jaipur. Presently resident of at Mali Ka Bandha, Hatwara, Jaipur.

... Applicant

(By Advocate: Mr. Ved Prakash)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Commanding Officer, 706, Transport Company (ASC Civil GT), Jaipur.

... Respondents

(By Advocate: ----------)

ORDER (ORAL)

By way of filing the present OA, the applicant is challenging the verbal transfer order as informed by the respondent no. 2 directing him to move to 5121 ASC Bn. (Civil GT) Pathankot (Punjab) on 1st July, 2012 and further was told that he would be issued movement order in the evening of 30.06.2012.

2. As the written transfer order has not been issued by the respondents, thus apprehending by the verbal transfer order, the applicant has filed this OA and it appears that formal transfer order is to be issued by the respondents in near future.

Anil Kumar

3. Heard the learned counsel for the applicant. He drew my attention to the order passed by this Tribunal in OA No. 364/2012 [Dharmendra Kumar vs. Union of India & Another], 365/2012 [Rameshwar Prasad Bunkar vs. Union of India & Another] and OA No. 366/2012 [Rohit Jivabhai Valabhai vs. Union of India & Another] dated 24.05.2012. In Para nos. 3 & 4 of the order dated 24.05.2012 in OA No. 364/2012, this Tribunal made the following order:-

> "3. Be that as it may, having gone through the averments made in the OA and having considered the submissions made on behalf of the applicant, I am of the view that the liberty may be given to the applicant to represent before the respondents or the respondents may consider this OA as representation and decide the same strictly in accordance with the provisions of law.
>
> 4. In view of the above, the applicant is given liberty either to file representation or submit a copy of this OA before the respondents within a period of three days from today, and the respondents are directed to consider and decide the same and shall pass a reasoned and speaking order strictly in accordance with the provisions of law expeditiously but in any case not beyond the period of one month from the date of receipt of representation/ copy of the OA alongwith this order, and till the disposal of the representation, the applicant may not be transferred from the place of his present posting i.e. from 706, Transport Company (ASC Civil GT), Jaipur."

The learned counsel for the applicant argued that facts & circumstances of this OA are similar to the facts & circumstances of OA No. 364/2012 [Dharmendra Kumar vs. Union of India & Another], 365/2012 [Rameshwar Prasad Bunkar vs. Union of India & Another] and OA No. 366/2012 [Rohit Jivabhai Valabhai vs. Union of India & Another] dated 24.05.2012. Therefore, he prayed that similar orders be passed in the present OA.

4. I have carefully gone through the orders passed by this Tribunal in OA No. 364/2012 [Dharmendra Kumar vs. Union of India & Another], 365/2012 [Rameshwar Prasad Bunkar vs. Union of India & Another] and OA No. 366/2012 [Rohit Jivabhai Valabhai vs. Union of

Anil Kumar

India & Another] dated 24.05.2012 and I am of the opinion that the facts & circumstances of the present case are quite similar to the facts & circumstances of OA No. 364/2012 [Dharmendra Kumar vs. Union of India & Another], 365/2012 [Rameshwar Prasad Bunkar vs. Union of India & Another] and OA No. 366/2012 [Rohit Jivabhai Valabhai vs. Union of India & Another] dated 24.05.2012.

5. In view of the above, the applicant is given liberty either to file representation or submit a copy of this OA before the respondents within a period of three days from today, and the respondents are directed to consider and decide the same and shall pass a reasoned and speaking order strictly in accordance with the provisions of law expeditiously but in any case not beyond the period of one month from the date of receipt of representation/ copy of the OA along with this order, and till the disposal of the representation, the applicant may not be transferred from the place of his present posting i.e. from 706, Transport Company (ASC Civil GT), Jaipur.

6. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive OA.

7. With these observations and directions, the OA stands disposed of with no order as to costs.

Anil Kumar

(Anil Kumar)
Member (A)

AHQ