

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

(9)

ORDERS OF THE BENCH

Date of Order: 11.09.2012

MA No. 296/2012 (OA No. 502/2012)

Mr. Anand Sharma, counsel for applicant.

Mr. Amit Mathur, counsel for respondent nos. 1 to 3.

Heard on the Misc. Application No. 296/2012
filed on behalf of the applicant praying for early hearing
of O.A. No. 502/2012. Misc. Application stands allowed.
O.A. No. 502/2012 may be listed for final disposal on
18.09.2012. I.R. to continue till the next date

K. S. Rathore
(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

OA 502/2012

18.9.2012

Mr. Anand Sharma, Counsel for applicant
Mr. Amit Mathur, Counsel for respondents

Heard. The OA is disposed of
by a separate order.

K. S. Rathore
(Justice K.S. Rathore)
M (J)

Reply filed to
the O.A.
rejoinder not
filed.
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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 502/2012

DATE OF ORDER: 18.09.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Mukesh Arora S/o Late Shri Bahadur Arora, aged about 53 years, R/o Plot No. 714, Sindhi Colony, Adarsh Nagar, Jaipur, at present posted as Section Supervisor, Regional Office, Employees Provident Fund Organisation, Nidhi Bhawan, Jyoti Nagar, Jaipur.

...Applicant

Mr. Anand Sharma, counsel for applicant.

VERSUS

1. The Union of India through Secretary, Ministry of Labour, New Delhi.
2. Regional Commissioner-I, Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, Jyoti Marg, Jaipur.
3. Asstt. Regional Commissioner (Administration), Employees Provident Fund Organisation, Bhavishya Nidhi Bhawan, Jyoti Marg, Jaipur.
4. Sh. Meghraj, Section Supervisor, Employees Provident Fund Organisation, Sub Regional Office, Jodhpur.

...Respondents

Mr. Amit Mathur, counsel for respondent nos. 1 to 3.
None present for respondent no. 4.


ORDER (ORAL)

Short controversy involved in the present Original Application is that the applicant has been transferred vide order dated 12.07.2012 (Annexure A/2) from the Regional Office, Employees Provident Fund Organisation, Jaipur to the Sub Regional Office, Employees Provident Fund Organisation, Jodhpur in accordance with the rotational transfer policy.



2. This is the second round of litigation. Earlier, applicant has filed O.A. No. 483/2012, and this Bench of the Tribunal vide order dated 17.07.2012 (Annexure A/10), while disposing of the same, has directed the respondents to decide the representation of the applicant dated 25.06.2012 by a speaking & reasoned order within a period of one month from the date of receipt of a copy of that order. It was also made clear that till then the respondents shall maintain status quo qua the applicant with regard to the impugned order dated 12.07.2012 as that was exists on that day.


3. Pursuant to the directions issued by this Bench of the Tribunal vide order dated 17.07.2012, the representation of the applicant dated 25.06.2012 has been considered and decided by the respondents by way of passing a reasoned and speaking order dated 20.07.2012 (Annexure A/1) and rejected the representation of the applicant and directed him to comply with the order dated 12.07.2012 immediately. Aggrieved and dissatisfied with the order dated 20.07.2012 (Annexure A/1) and transfer order dated 12.07.2012 (Annexure A/2), the applicant has filed the present Original Application on the ground that he being physically handicapped person are required regular check up by the doctors at Jaipur, therefore, the rotational transfer order dated 12.07.2012 (Annex. A/2) qua him deserves to be quashed and set aside. The applicant further challenges the order dated 12.07.2012 on the ground that the respondents have considered the case of one Shri Prahlad, Section Supervisor, vide order dated 30.03.2012 by which request of Shri Prahlad has been acceded to and accommodated him at Jaipur itself.



4. In reply to the submissions made on behalf of the applicant, it is submitted on behalf of the respondents that the case of Shri Prahlad, Section Supervisor has been considered & acceded to by the respondents as Shri Prahlad submitted an application dated 29.03.2012 submitting that in his place one Shri Yugal Kishore Sharma, Section Supervisor, is willing to go on transfer under rotational transfer policy as a substitute for a period of one year. The respondents further submitted that in case the applicant also requests and provides a substitute to go in his place under the rotational transfer policy, the respondents are ready to consider the case of the applicant also as has been considered in the case of Shri Prahlad, Section Supervisor.

5. I have heard the learned counsels appearing for the respective parties and also gone through the documents available on record and also considered the rival submissions made on behalf of the respective parties.

6. In compliance of the earlier order dated 17.07.2012 passed by this Bench of the Tribunal in OA No. 483/2012, the respondents have considered the representation of the applicant dated 25.06.2012, praying for giving relaxation from rotational transfer, and passed a reasoned and speaking order dated 20.07.2012 (Annexure A/1). From bare perusal of the order dated 20.07.2012, it reveals that the case of the applicant has been considered by the respondents. It also reveals that after availing the leave on the medical ground, the applicant has joined his duty and submitted his fitness certificate issued by the Doctor, and after joining the duty, the applicant is regularly attending the office and perfectly handling the job allotted to him. Therefore, the applicant has been transfer from Jaipur to



Jodhpur on his rotation for a period of one year under the rotational transfer policy, and as such he is not entitled for getting any relaxation under the rotational transfer policy.

7. In view of the observations made hereinabove, and considering the submissions made on behalf of the respondents that if the applicant is able to provide a substitute to go in his place under the rotational transfer policy, the respondents are ready to consider the case of the applicant as has been considered in the case of said Shri Prahlad, Section Supervisor, vide order dated 30.03.2012, therefore, the applicant is at liberty to submit an application before the respondents by giving name of a substitute, who is willing to go in his place on rotational transfer, along with consent/application of substitute, within a period of seven days from today. In such eventuality, the respondents are directed to consider the case of the applicant expeditiously as has been considered & acceded to in the case of said Shri Prahlad, Section Supervisor, and in case the applicant fails to submit his application as stipulated hereinabove, he will have no option except to comply with the transfer order dated 12.07.2012 (Annexure A/2).

8. With these observations and directions, the Original Application stands disposed of with no order as to costs.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER