

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 13.09.2012

OA No. 602/2012

Mr. Tanveer Ahmed, counsel for applicant.
Mr. T.P. Sharma, counsel for respondents.

Learned counsel appearing for the respondents submits that he has filed reply to the O.A. as well as M.A. for vacation of interim order dated 30.08.2012 passed by this Bench of the Tribunal. The registry is directed to place the same on record. Put up the matter on 18.09.2012. I.R. to continue till the next date.

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

Kumawat

OA 602/12 with MA 313/2012

18.9.2012

Mr. Tanveer Ahmed, Counsel for applicant
Mr. T.P. Sharma, Counsel for respondents

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

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

Reply filed on
12/9/12

Re/order not filed

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 602/2012
WITH
MISC. APPLICATION NO. 313/2012

DATE OF ORDER: 18.09.2012

CORAM

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

Mukesh Kumar Gupta S/o Late Shri Radheshyam Ji Gupta, aged about 36 years, R/o C-43, Sri Nath Vihar Colony, Behind Poultry Farm, Aagra Road, Jaipur, Rajasthan, at present posted as Assistant in the Employees State Insurance Model Hospital, Jaipur.

...Applicant

Mr. Tanveer Ahmed, counsel for applicant.

VERSUS

1. The Union of India through the Director General, Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi - 2.
2. The Joint Director, Employees State Insurance Corporation, Panchdeep Bhawan, C.I.G. Road, New Delhi - 2.
3. The Regional Director, ESIC Regional Office, Above Rajasthan Small Industries Corporation, 2nd & 3rd Floor, Udyog Bhawan, Tilak Marg, Jaipur.
4. The Deputy Director (Admn.), Employees State Insurance Corporation, Above Rajasthan Small Industries Corporation, 2nd & 3rd Floor, Udyog Bhawan, Tilak Marg, Jaipur.

...Respondents

Mr. T.P. Sharma, counsel for respondents.

ORDER (ORAL)

In view of the policy for posting of staff in newly created Regional Offices (ROs) / Sub Regional Offices (SROs) issued by the respondent-department / Employees State Insurance Corporation, New Delhi vide order dated 02.03.2009 (Annexure A/3), options will be taken from employees to go on permanent basis and such employees will be sent first, and *if vacancies*

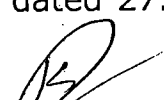


remain then rotational transfer policy will be followed for one year with certain conditions as stipulated therein, which are mandatory.

2. Following the said policy for posting of staff in newly created ROs/SROs dated 02.03.2009 (Annexure A/3), the applicant along with seven (07) other employees have been transferred to the respective ROs/SROs vide impugned order dated 27.08.2012 (Annexure A/1).

3. The applicant has filed the present Original Application challenging the impugned transfer order dated 27.08.2012 (Annexure A/1). This Bench of the Tribunal while issuing the notice to the respondents vide order dated 30.08.2012 has passed an interim order to the effect that the applicant may not be relieved pursuant to the transfer order dated 27.08.2012 (Annexure A/1), if he has not been relieved so far. Admittedly, the applicant has not been relieved till date.

4. It is submitted by the learned counsel appearing for the applicant that in the month of July 2012, a list for rotational transfer was pasted on the Notice Board of the Regional Office, which was not prepared as per the rotational transfer policy, thus, the applicant has filed a representation dated 19.07.2012 (Annexure A/4) before the Regional Director (Administration Branch) ESIC, Jaipur. It is further submitted on behalf of the applicant that representation dated 19.07.2012 (Annexure A/4) is still pending for consideration before the respondents, and without responding and replying the same by the respondents, the applicant has been transferred vide order dated 27.08.2012 (Annexure A/1).

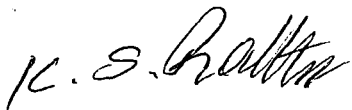


5. In view of the above, without going into the merit of the case, I deem it proper that the ends of justice would be met if the respondents are directed to consider and decide the representation of the applicant dated 19.07.2012 (Annexure A/4) strictly in accordance with the provision of law and pass a reasoned and speaking order.

6. Consequently, the respondents are directed to consider and decide the representation of the applicant dated 19.07.2012 (Annexure A/4) strictly in accordance with the provision of law and pass a reasoned and speaking order expeditiously but in any case not later than a period of one month from today, and till the disposal of the representation of the applicant dated 19.07.2012, the interim order passed by this Bench of the Tribunal on 30.08.2012 shall remain in force, and immediately after the decision taken on the said representation, the respondents are at liberty to proceed further in accordance with the rules.

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

8. In view of the order passed in Original Application, no order is required to be passed in the Misc. Application filed on behalf of the respondents praying for vacation of interim order dated 30.08.2012, and the same stands disposed of.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER