

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORDERS OF THE BENCH**

**Date of Order: 28.09.2012**

OA No. 693/2012

Mr. Manoj Singh Raghav, counsel for applicant.  
Mr. B.K. Pareek, proxy counsel for  
Mr. T.P. Sharma, counsel for respondents / caveators.

Heard learned counsels appearing for the respective parties.

O.A. stands dismissed by a separate order on the separate sheets for the reasons recorded therein.

*Anil Kumar*  
(ANIL KUMAR)

MEMBER (A)

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

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 693/2012

**DATE OF ORDER:** 28.09.2012

**CORAM**

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Mukesh Kumar Gupta S/o late Shri Radheshyam Gupta, aged about 36 years, R/o C-43, Sri Nath Vihar Colony, Behind Poultry Farm, Agra Road, Jaipur (Rajasthan), presently working as Assistant, Employees' State Insurance Corporation, Regional Office, Jaipur (Rajasthan).

...Applicant

Mr. Manoj Singh Raghav, counsel for applicant.

**VERSUS**

1. The Director General, Employees State Insurance Corporation Panchdeep Bhawan, Headquarters Office, CIG Marg, New Delhi – 110002.
2. The Regional Director, Employees State Insurance Corporation, 2<sup>nd</sup> & 3<sup>rd</sup> Floor, Udyog Bhawan, Tilak Marg, Jaipur.

... Respondents

Mr. B.K. Pareek, proxy counsel for  
Mr. T.P. Sharma, counsel for respondents / caveators.

**ORDER (ORAL)**

This is the second round of litigation. Earlier also, the applicant has filed O.A. bearing No. 602/2012 before this Bench of the Tribunal and this Bench of the Tribunal while disposing of the same vide order dated 18.09.2012 (Annex. A/5), the respondents were directed to decide the representation of the applicant dated 19.07.2012 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 that day, 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.

2. Pursuant to the directions issued by this Bench of the Tribunal vide order dated 18.09.2012 in OA No. 602/2012, the respondents have considered and decided the representation of the applicant dated 19.07.2012 by passing a reasoned and speaking order dated 24.09.2012 (Annexure A/2).

3. Aggrieved and dissatisfied with the transfer order dated 27.08.2012 (Annexure A/1) and speaking order dated 24.09.2012 (Annexure A/2), the applicant has filed the present O.A. praying for quashing and setting aside the said orders.

4. The applicant has challenged the said orders on the ground of mala fide and further on the ground that the representation, which has been decided by the respondents are not considered and decided in true and latter spirit and the respondents have deliberately rejected the representation of the applicant, although in the case of similarly situated persons, the transfer order has been recalled whereas in the case of the applicant they are mala fide acting and are not interfering in the transfer order.

5. Learned counsel appearing for the respondents / caveators submits that the applicant has already been relieved pursuant to the transfer order dated 27.08.2012 (Annexure A/1). He further submits that order passed by this Bench of the Tribunal on



18.09.2012 has been fully complied with and the representation of the applicant has been considered and decided by the respondents vide speaking order dated 24.09.2012 in true and latter spirit.

6. Having considered the submissions made on behalf of the respective parties, since the applicant has already been relieved pursuant to the transfer order, and the order passed by this Bench of the Tribunal on 18.09.2012 has been fully complied with and the representation of the applicant has been considered and decided by the respondents vide speaking order dated 24.09.2012, we find no merit in the present Original Application and the same deserves to be dismissed.

7. Consequently, the present Original Application stands dismissed with no order as to costs.

  
(ANIL KUMAR)  
MEMBER (A)

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