

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2374/2016

New Delhi, this the 21st day of July, 2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Nitish Sharma, Stenographer Gr. II, Age 39 yrs.,
S/o Late Shri Ram Phal Sharma,
R/o "RAJ NIWAS", D-109/A, Gali No-1, Burari Road,
Saroop Nagar, Delhi-110042. ...
(Applicant in person)

Applicant

Versus

1. Union of India,
Through its Secretary,
Ministry of Corporate Affairs,
Vth Floor, A-wing, Shastri Bhawan,
Dr. Rajender Prashad Road,
New Delhi-110001.
2. The Regional Director (Northern Region),
Ministry of Corporate Affairs,
B-2 Wing, 2nd Floor, Paryavaran Bhawan,
CGO Complex, New Delhi-110003.
3. The Registrar of Companies,'
NCT of Delhi & Haryana,
4th Floor, IFCI Tower, 61,
Nehru Place, New Delhi 110019.
4. The Official Liquidator,
Ministry of Corporate Affairs,
9th Floor, Sangam Place, Civil Lines,
Allahabad-211001.
5. Shri N.K. Bhola,
Regional Director (Northern Region),
Ministry of Corporate Affairs,
B-2 Wing, 2nd Floor, Paryavaran Bhawan,
CGO Complex, New Delhi-110003.
6. Shri D. Bandopadhyay,
Registrar of Companies,
NCT of Delhi & Haryana,
4th Floor, IFCI Tower, 61,
Nehru Place, New Delhi 110019. ...
(By Advocate: Sh. Gyanendra Singh)

Respondents

ORDER(ORAL)

The applicant, who is present in person has submitted that he has been transferred vide impugned order dated 06.07.2016 from ROC (Delhi and Haryana) to the office of Official Liquidator (Allahabad). According to him, this transfer was against the transfer policy of the respondents according to which, Group 'C' employees were not to be transferred out of station. He has submitted that there is no sanctioned post also in the office of the Official Liquidator where he has been transferred.

2. Further, he has submitted that he has been transferred as he was pursuing several of his cases which were pending before this Tribunal. He has admitted that he has been relieved from his present duty on 08.07.2016. He made a representation to the respondents on 06.07.2016. However, respondents have not taken any decision on the same. The applicant has relied on the judgment of Allahabad Bench of this Tribunal in the case of **Raj Kumar Nigam vs. Union of India & Ors.**. He has also relied on the judgment of Kolkata Bench of this Tribunal in the case of **Vinay Kumar Upadhyay vs. Union of India & Ors..**

3. Learned counsel, Shri Gyanendra Singh has appeared for the respondents on advance notice and has submitted that the applicant has already been relieved of his duties but he has not joined his new place of posting so far. He submitted that the action of the applicant was against the directions of Hon'ble Supreme Court in the case of **Union of India Vs. S.L. Abbas (1993) 4 SCC 367.**

4. It is seen that the respondents have not yet taken a decision on the representation of the applicant. In view of the aforesaid, I dispose of this OA with a direction to the respondents to consider the representation of the applicant dated 06.07.2016 and pass appropriate orders on the same within a

period of fifteen days. The decision of the respondents on the representation of the applicant shall be communicated to him by means of a reasoned and speaking order. Till his representation is decided, the applicant shall not be forced to join his new place of posting.

**(Shekhar Agarwal)
Member (A)**

/ns/