

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.063/00731/2018

Chandigarh, this the 13th day of June, 2018
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CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Vinod Kumar S/o late Sh. Roshan Lal aged about 42 years R/o e Nagrota Bagwan, Chakban Rumahr District Kangra H.P. working as Monument attendant (MTS) and presently posted at Ashapuri temple, Ashapuri District H.P. – 176094.

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....Applicant

(Argued by: Mr. Ashwani Verma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Human Resources & Development, Shashtri Bhawan, Dr. Rajendera Prashad Road, New Delhi-110001.
2. The Director General, Archaeological Survey of India, 24, Tilak Marg, New Delhi -110001.
3. The Superintending Archeologist, Archaeological Survey of India, Shimla Circle, C.G.O. Complex Longwood Shimla Himachal Pradesh- 171001.
4. The Conservation Asstt. Achaeological Survey of India Sub division, Kangra Fort, Kangra Himachal Pradesh – 176001.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Learned counsel, inter-alia, contended that the impugned order dated 21.05.2018 (Annexure A-1), whereby his transfer order, by virtue of which he was transferred from Baijnath Distt. Kangra to Ashapuri Mandir, Ashapuri, Kangra, has been cancelled.

2. Learned counsel vehemently contended that the impugned order is non-speaking as the respondents have not given any reason to cancel the earlier transfer order. He submitted that in pursuance of his transfer order, he joined vide order dated 04.03.2018, and shifted to the new place of posting along with his family. He argued that by cancellation of the transfer order, in a

short span of time, not only he but his family would also be harassed. He further submitted that since he already joined and shifted, therefore, he has made representation dated 31.05.2018 (Annexure A-8) to the respondents to allow him to continue to work at his present place of posting. However, the same has not been decided till date.

3. Learned counsel submitted that the applicant will be satisfied if a direction be issued to the respondents to decide his representation expeditiously, before effecting the impugned order.

4. Considering the fact that the applicant was transferred to the present place of posting on 25.01.2018, in pursuance of which he joined on 04.03.2018, and in short span of time i.e. on 21.05.2018, the respondents have cancelled the order without giving any reasons, I deem it appropriate that at the first instance, to direct the respondents, to pass a detailed and reasoned order on the representation of the applicant, in accordance with law, because the impugned order does not mention anywhere about the reasons as to why the transfer order has been cancelled.

5. Accordingly, the O.A. is disposed of, with a direction to the Competent Authority, amongst the respondents, to whom the representation has been addressed, to consider and decide the indicated representation, by passing a reasoned and speaking order, in accordance with law, within a period of 10 days from the date of receipt of a copy of this order. Till then, the implementation of the impugned order is stayed qua the applicant and the respondents are directed not to relieve him from the present place of posting.

6. Needless to mention that the disposal of this case shall not be construed as expression of opinion on merits of the case by this Tribunal.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 13.06.2018

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