

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00003/2019

Jabalpur, this Wednesday, the 02nd day of January, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Vijay Vyas, S/o Late Shri R.C. Vyas, aged about 50 years, presently working as Computer Operator Gr.-II, PSSCIVE, RIE Campus, Shaymla Hills, Bhopal, R/o E-3/318, Arera Colony, Bhopal (M.P.)

-Applicant

(By Advocate – Shri S.P. Rai)

V e r s u s

1. Union of India, Ministry of HRD through Secretary, Shastri Bhawan, New Delhi – 110001.

2. Director, National Council of Educational Research & Training, Aurobindo Marg, New Delhi – 110016.

3. Joint Director, Pt. Sunder Lal Sharma Central Institute of Vocational Education, RIE Campus, Shyamla Hills, Bhopal (M.P.)

-Respondents

O R D E R (O R A L)

By Navin Tandon, AM.

The applicant is working as a Computer Operator, Grade-II with respondent No.3. He is aggrieved by him being relieved vide order dated 28.12.2018 (Annexure A-1).

2. The applicant has submitted in Para 5.8 of the O.A that, “it is for the first time that there is a relieving order without

there being any transfer order-therefore the mala fide intent is evident.”

3. He has sought for the following reliefs in this O.A:

“8. **RELIEF SOUGHT**

It is, therefore, humbly prayed that this Hon’ble Court may kindly be pleased to:

- (i) Call for the entire material record pertaining to the instant controversy from the respondents for its kind perusal;
- (ii) Quash and set aside the impugned order dated 28/29.12.2018 (Annexure A/1);
- (iii) Direct the respondents to allow the applicant work on the present place of posting as Computer Operator Gr.-II at PSSCIVE Bhopal.
- (iv) Grant any other relief/s, which this Hon’ble Tribunal deems fit and proper in the facts and circumstances of the case to the applicant;
- (v) Award cost of the instant lis to applicants.”

4. Learned counsel for the applicant submits that since the applicant has been relieved without serving him transfer order and without affording any opportunity to represent himself, therefore, this Original Application may be disposed of at this stage with liberty to the applicant to file a detailed representation for redressal of his grievance raised in this Original Application and the respondents, in turn, may be

directed to consider and decide the same. Till such time representation is decided, the order dated 28/29.12.2018 (Annexure A-1) may not be given effect to.

5. We have considered the matter and without going into the merits of the case, we deem it appropriate to dispose of this Original Application at the admission stage itself granting liberty to the applicant to file a detailed representation by 09.01.2019 to the respondents, who shall consider and decide the same by passing a reasoned and speaking order. Till such time the representation is decided, the respondents are directed to maintain *status-quo ante*, as on 28.12.2018, in regard to posting of the applicant.

6. Accordingly, the O.A is disposed of in the above terms. No costs.

(Ramesh Singh Thakur) **(Navin Tandon)**
Judicial Member **Administrative Member**
am/-