

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No-3818/2018
MA-4686/2018**

New Delhi, this the 19th day of December, 2018

Hon'ble Sh. V. Ajay Kumar, Member (J)

Hon'ble Sh. A.K. Bishnoi, Member (A)

Mukesh Kumar Meena, Aged 40 years,
S/o Sh. Ram Charan, JE (Group B),
R/o D-4/4236, Vasant Kunj,
New Delhi. ... Applicant

(through Sh. M.K. Bharadwaj)

Versus

1. South Delhi Municipal Corporation,
Through its Commissioner,
Engineering Department (HQ),
19th Level, E-Block, Dr. SPM Civic Centre,
JLN Marg, New Delhi-110002.
 2. Dy. Commissioner,
South Delhi Municipal Corporation,
Green Park, New Delhi.
 3. Sh. K.C. Bhardwaj,
Administrative Officer,
Engineering (HQ),
South Delhi Municipal Corporation. ... Respondents
- (through Sh. D.S. Mahendru)

ORDER (ORAL)

Hon'ble Sh. V. Ajay Kumar, Member (J)

When this matter was taken up for hearing, both the
counsel agreed for final hearing of the OA.

2. While the applicant was working as Junior Engineer under the West Zone of the respondents - SDMC he was transferred to the South Zone vide Annexure A/3 dated 24.01.2018. Accordingly, he joined South Zone on 01.02.2018. However, even before he completed one year there, the respondents vide the impugned order, transferred him from South Zone to Central Zone. It is submitted by the applicant that the said order is a non-speaking order, though it was stated that the same was issued in public interest/administrative convenience. This Tribunal on 08.10.2018 while issuing notices directed the respondents to maintain status quo obtaining as on the said date. It is submitted by respondent's counsel today that the applicant was relieved from the South Zone on 01.10.2018 itself, which is disputed by the applicant's counsel.

3. However, learned counsel for the applicant today submits that the applicant would be satisfied if the OA is disposed of by permitting the applicant to make a representation against the impugned transfer order and the respondents are directed to consider and dispose of the same within a fixed time frame. Learned counsel for the respondents submits that they have already filed counter in the OA specifying their stand and at this stage even if the applicant is permitted to make a

representation and they are directed to pass an order, there would not be any change in their stand.

4. It is seen that the applicant filed instant OA without making any representation against the impugned transfer order. Once the applicant himself seeks permission to make a representation, it cannot be stated as an unjustifiable request.

5. In the circumstances, the OA is disposed of without going into the merits of the case by permitting the applicant to make an appropriate representation against the impugned transfer order within two weeks from today and on receipt of such a representation from the applicant, the respondents shall consider the same keeping in view the policy and rules applicable to the applicant, and pass appropriate reasoned and speaking orders thereon, in accordance with law, within sixty days therefrom. No costs.

All pending MAs are disposed of.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member(J)

/ns/