

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Dated: This the 30th day of September 2019

Original Application No. 330/01020 of 2019

Hon'ble Ms. Ajanta Dayalan, Member – A
Hon'ble Mr. Rakesh Sagar Jain, Member – J

Mohd. Ayub Ali, S/o Late Kamar Ali, R/o H. No. 4A/9A/1, Myorabad, District Allahabad/Prayagraj.

.....Applicant

By Adv: Shri Dharmendra Tiwari

V E R S U S

1. Union of India through Director General, Central Public Works Department, Nirman Bhawan, New Delhi.
2. The Deputy Director General (Coord.), Central Public Works Department, N.R. East Block, Level-7, R.K. Puram, New Delhi.
3. Assistant Administrative Officer, O/o The Deputy Director General (Coord.), Central Public Works Department, N.R. East Block, Level-7, R.K. Puram, New Delhi.
4. The Superintending Engineer, Allahabad Central Region, Central Public Works Department, Prayagraj (Allahabad).

.....Respondents

By Adv : Shri L.P. Tiwari

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member – A

Heard Shri Dhamendra Tiwari, learned counsel for the applicant and Shri L.P. Tiwari, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant who is an Assistant Engineer (Civil) in Central Public Works Department (CPWD) has been transferred vide impugned 24.09.2019 (Annexure No. 1) from Allahabad Circle to Regional Office Lucknow (Sl. No. 234 of Annexure No. 1). He states that the transfer is against policy as the applicant is due to retire in February 2021 and thus he has less than 2 years of service prior to his retirement. As per para 12.5 (iv) of Annexure No. 3, he should have been accommodated at his present place of posting or where he wishes to settle down after retirement, which is also Allahabad. The counsel for the applicant draws our

attention towards Annexure No. 2 whereby the applicant has opted for Allahabad and has also given grounds for such option. He also states that by the same order some other employees who also have less than 2 years of service but who are retiring subsequent to him, have been retained at Allahabad.

3. Learned counsel for the applicant states that at this point of time he has limited prayer that the applicant has made on-line representation dated 25.09.2019 (Annexure No. 2) and the applicant will be satisfied if a direction is given to the respondents to consider and decide his representation.

4. Learned counsel for the respondents states that it is settled law that the applicant should first join at his new place of posting and then seek any remedy.

5. In view of limited prayer of the applicant, we direct the competent authority amongst the respondents to decide the pending representation of the applicant dated 25.09.2019 (Annexure No. 2) by passing reasoned and speaking order, within a period of 2 weeks from the date of receipt of a certified copy of this order and the order so passed shall be communicated to the applicant.

6. Needless to mention that this order shall, in no manner, be construed as any opinion or expression on the merits of the case. OA is disposed of accordingly. There is no order as to costs.

(Rakesh Sagar Jain)
Member – J

(Ajanta Dayalan)
Member – A

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