

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

Original Application No.203/2019

Date: 21.08.2019.

CORAM:

Hon'ble SH.M.C.Verma, Member (J)

Chandrakant Agrawal,
 Son of Chetandas Agrawal,
 Aged 44 years,
 Working as Driver,
 Residing at:B/1-502,
 Shubh Candid, Kudasan,
 Por Road, Nr.Poddar International School, Gandhinagar – 382 421. Applicant

By Advocate Joy Mathew

Vs.

1. Union of India,
 Notice through Secretary,
 Ministry of Mines,
 Shastri Bhawan,
 New Delhi 110 001.

- 2 The Director General,
 Geological Survey of India,
 Central Head Quarters,
 J.L.Nehru Road,
 Kolkotta 700 016.

3. The Additional Director,
 General, Western Region,
 15-16 Jhalana Dungari,
 Jaipur 302 004.

4. Deputy Director General,GSI,
 State Unit Gujarat,
 Sector 10 Gandhinagar,
 Pin 382 010.Respondents.

By Advocate Ms.Roopal Patel.

O R D E R (Oral)**Per: M.C.Verma, Member (Judicial)**

Learned counsel Shri Joy Mathew inviting attention of undersigned towards order dated 20.06.2019 submits that though the transfer order, impugned in the OA is not legally sustainable, however, applicant, to honour his undertaking given at the time of seeking interim relief, wants not to pursue this OA and wants to withdraw this OA if he is given few days time to join at Jaipur. Learned counsel for respondents submits that if showing his willingness to join at transferred place applicant wants to withdraw this OA, the OA may be disposed of as withdrawn and she assured that respondents would adopt sympathetic attitude. Learned counsel for respondents also suggests that one week time may be reasonable for joining at Jaipur and informed that because of the interim relief order of transfer could not be enforced and applicant has not yet been relieved from the post manned by him before transfer order.

2. Considered the submissions. Instant OA initially came on 20.06.2019 and on that date after hearing counsel for applicant status quo was directed. The Order passed on 20.06.2019 reads : "The matter is at admission stage. Heard. Learned counsel for applicant urged that applicant has been transferred from Gandhinagar to Jaipur and that the Transfer order is at Annexure A/1. He contended that arbitrariness of respondents illustrates from the fact that no joining time even has been granted to the applicant. Assailing the Transfer Order learned counsel urged that the transfer is in violation of direction given by Hon'ble Supreme Court in Judgment delivered in TSR Subramaniam's case, and that no transfer committee

has even been constituted by respondent department. He also contended that applicant, who earlier on compassionate ground was transferred to Gandhinagar, has been transferred to Jaipur, with intent to favour those Drivers who are having stay of 30 - 35 years at Gandhinagar.

Explaining difficulties of the applicant, learned counsel urged that his wife at present is an indoor patient, she has to undergo Cesarean as there are complications, that the mother of the applicant is 93 years old and fully dependent on him. ***Learned counsel made submission that as the wife of the applicant is an indoor patient and has to undergo Cesarean, if applicant is given two months time for joining at Jaipur, he would have no objection and though transfer order is not legally sustainable but he would obey the same.***

Issue Notice. Notice Waived. Ms R R Patel, learned counsel accepts notice on behalf of all the respondents. On request of learned counsel Ms R R Patel, direction was given to learned counsel of applicant to supply copy of OA for each respondent to Ms Patel.

Statusquo as on today be maintained. Post the case on 01.07.2019. A copy of this order be provided to Ms R R Patel, Learned counsel for respondents."

3. Having taken note of entirety, especially, the statement made at Bar that the applicant to honour the undertaking given on 20.06.2019 wants to withdraw this OA, it would be appropriate not to proceed further with the matter and dispose of the OA as withdrawn, giving some time to the applicant to enable to join at Jaipur.

4. OA thus is allowed to be withdrawn and is disposed of as withdrawn. However, respondents would not relieve the applicant before the expiry of one week.

(M.C. VERMA)
MEMBER (J)