

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00209/2019

Date of Decision: This the 10th day of July, 2019

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

Ingudam Bhupenchandra aged about 36 years
S/o I. Rajendro Singh, resident of Sagolband Tera
Sapam Leirak, P.O. Imphal, P.S. Lamphel
Imphal West District, Manipur, Pin-795004.

...Applicant

By Advocates: Mr. M.D. Singh, K. Roshan, Chuchill & D.J. Das

-Vs-

1. Indian Council of Agricultural Research
Represented by its Secretary, Krishi Bhawan
Dr. Rajendra Prasad Road, New Delhi – 110001.
2. The Director, Indian Council of Agricultural Research
ICAR Research Complex for NEH Region Umroi Road
Umiam, Meghalaya, Pin – 793103.

...Respondents

ORDER (ORAL)

NEKKHOMANG NEHSIAL, MEMBER (A):

Mr. M.D. Singh, learned counsel appearing on behalf of the applicant has brought to my notice the order No. RC(R)15/2004/6 dated 22.05.2019 by which the respondent authorities sought to be transferred the applicant from KVK Tamenglong to KVK Kiphre.

2. Learned counsel further has brought to my notice that in view of the transfer guideline issued by the Ministry vide O.M. No. F.No. 28034/9/2009-Estt.(A) dated 30.09.2009 as well as guideline/instructions issued by the Indian Council of Agricultural Research under No. TS-19(1)/2002-Estt.IV dated 12.09.2018, the applicant should not be transferred as per the terms and conditions of service.

3. Learned counsel has further brought to my notice that the applicant has submitted his representation on 28.05.2019 to the competent authority wherein he has mentioned that he has been suffering from Prolapsed Inter Vertebral Disc (PIVD) at L4-L5 in spine coupled with right Sciatica since January 2017 and he is under medication and regular physiotherapy and further advised by the concerned orthopaedic doctors against forward bending and travelling for long distances. Further he has also mentioned that his wife is working as Deputy Director, CAF&PD, Government of Manipur being Manipur Civil Service cadre (MCS). She has been suffering from severe leg injury coupled with Arthritis and torn ligament of late and undergoing treatment and their son who is 4 years old is studying in Class KG in Little Millennium Lamphelpat. However, said representation has not been considered and disposed off by the competent authority till date.

4. I have heard the learned counsel for the applicant, perused the papers and the documents relied upon. Keeping in view of the representation pending, without going into the merits of the case, I found that it is a fit case to direct the competent authority to consider the pending representation of the applicant dated 28.05.2019 sympathetically and dispose of it and pass a reasoned and speaking order within a reasonable period of two months' from today. In the meantime, the impugned posting/transfer order No. RC(R)15/2004/6 dated 22.05.2019 shall not be implemented by them. Accordingly, ordered.

5. With the above direction, O.A. stands disposed of accordingly at the admission stage.

6. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)