

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00909/2019**

Jabalpur, this Tuesday, the 29<sup>th</sup> day of October, 2019

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

Jainarayan Dwivedi, aged about 49 years, S/o Late Shri Roop Narayan Dwivedi, presently working as Multi Task Staff (MTS), Archeological Survey of India Horticulture Branch, Khajuraho, District Chhattarpur (MP) R/o Old Village Khajuraho near Ghanti Mandir, 471606 (MP) **-Applicant**

**(By Advocate – Shri Praveen Dubey)**

**V e r s u s**

1. The Union of India through its Director General, Archeological Survey of India, 24, Tilak Marg, New Delhi 110001.
2. The Chief Horticulturist, Archeological Survey of India, Dharohar Bhawan, 24, Tilak Marg, New Delhi – 110001.
3. The Deputy Superintendent, Horticulturist, Division No.1, Taj Mahal Garden, Archeological Survey of India, Agra (UP) – 282001.
4. The Horticulture Assistant Gr.I, Archeological Survey of India, Sub Horticulture Division Khajuraho District Chhattarpur – 4716060.

**-Respondents**

**ORDER (O R A L)**

This Original Application has been filed against the orders dated 25.09.2019 (Annexure A-1) and 25.09.2019

(Annexure A-2) whereby the applicant has been transferred and relieved from Khajuraho, M.P to Burhanpur, M.P.

2. The case of the applicant is that he is working as Multi Tasking Staff with the respondent department. It has been submitted by the applicant that he is a disabled person having physical disability to the extent of 40 %. Wife of the applicant is also physically disabled to the extent of 40%. It has been further submitted by the applicant that Burhanpur is situated at distance of 750 kms from Khajuraho having no direct train route. Further, wife of the applicant is working in Anganbadi under State Government, which is a non-transferable post. Pointing out such difficulties, the applicant has made a representation dated 25/28.09.2019 (Annexure A-12), which is pending before the respondent department.

3. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the respondents are directed to consider and decide his representation (Annexure A-12) sympathetically keeping in view the disability of the applicant and his wife in a time-bound manner and till his representation is decided, no coercive action may be taken against the applicant.

4. The submission made by learned counsel for the applicant seems to be genuine particularly considering the disability of the applicant and his wife to the extent of 40% as also the fact regarding non-transferable job of his wife in the State Government. Accordingly, the respondents are directed to consider and decide the representation (Annexure A-12) sympathetically, if not already decided, within a period of three weeks after receiving certified copy of the order by passing a reasoned and speaking order. Till such time the representation is decided, no coercive action shall be taken against the applicant.

5. The O.A is disposed of in the above terms. Needless to say that this Tribunal has not commented on the merits of the case.

**(Ramesh Singh Thakur)**  
**Judicial Member**

am/-