

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No.332/00485/2019

This the 26th day of September, 2019

Hon'ble Ms. Jasmine Ahmed, Member - J

Hon'ble Mr. Devendra Chaudhry, Member - A

Yamuna Prasad, aged about 57 years, son of Late Ram Naresh, resident of Village Pure Dwarika Shukul (Sheshpur) Post Office Mohammadpur, P.S. Jagdishpur, Tehsil Musafirkhana, District Amethi, presently posted as Work Sarkar Grade-I, GDSQ, Sultanpur.

..... Applicant

By Advocate: Sri S.M.A. Rizvi.

VERSUS

1. Union of India through the Secretary, Ministry of Water Resources, New Delhi, Middle Ganga Division-3.
2. The Secretary, Department of Water Resources, River Development and Ganga Rejuvenation, Middle Ganga, Division-3, New Delhi.
3. The Superintending Engineer, Central Water Commission, Hydrological Observation Circle (HOC), Akashdeep, Pannalal Park, Varanasi-221002.
4. Up-Mandal Abhiyanta, Middle Ganga Division-3, Central Water Commission, Chhatnag (Jhunsi), Allahabad.
5. Executive Engineer, Middle Ganga Division-3, Central Water Commissioner, Akashdeep (2nd Floor) Pannalal Park, Varanasi.

..... Respondents

By Advocate: Sri Kaushal Kishore Shukla

O R D E R (ORAL)

Delivered by:

Hon'ble Ms. Jasmine Ahmed, Member - J

It is the contention of the learned counsel for the Applicant that the applicant, herein, has been transferred from Sultanpur to Kuldhabrij, Madhya Pradesh vide order dated 06.09.2019 which is annexed as Annexure No. A-1 to this O.A. It is also seen that in the transfer order dated 06.09.2019, the applicant has ordered to be relieved w.e.f. afternoon of 07.09.2019. Learned counsel for the applicant states that the applicant has suffered paralysis attack and his treatment is undergoing at King George Medical University, Lucknow, UP, in this regard, he attached medical prescriptions with

the O.A.. Learned counsel for the applicant also states that the applicant is due to retire in the month of July, 2022 and has less than three years service in his credit. Learned counsel for the applicant further states that as he is continuously undergoing treatment at King George Medical University, Lucknow, UP, at this point, any transfer in any other place will certainly hamper in his undergoing treatment. Learned counsel for the applicant states that the applicant is on medical leave and he has also preferred a representation on 09.09.2019. Learned counsel for the applicant prays that the transfer order be stayed by this Tribunal.

2. Learned counsel for the respondents stated that the transfer is an incidence of service and no illegality has been done by the respondents by transferring the applicant from Sultanpur to Kuldhabrij, Madhya Pradesh.

3. Heard the rival contention of the parties and perused the material on record.

4. It is seen that the applicant is suffering from paralysis attack and undergoing treatment at King George Medical University, Lucknow, UP and the applicant has given a representation on 09.09.2019 requesting the respondents to allow him to continue at Sultanpur so that he can continue his treatment.

5. Taking into consideration the peculiar facts of the case, the respondents are directed to decide the representation of the applicant dated 09.09.2019 within a period of 15 days from today and till then no coercive action shall be taken against the applicant.

6. With the above direction, O.A stands disposed of at the admission stage itself. It is made clear that we have not commented anything on the merit of the case. There shall be no order as to costs.

(Devendra Chaudhry)
Member (A)

(Jasmine Ahmed)
Member (J)

JNS