

(2021) 06 CAT CK 0024

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00352 Of 2021

Deepak Kumar Shukla & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 08-06-2021

Acts Referred:

Citation : (2021) 06 CAT CK 0024

Hon'ble Judges : Vijay Lakshmi, Member (J); Devendra Chaudhry, Member (A)

Bench : Division Bench

Advocate : A.K. Singh, Prakash Rai

Final Decision : Disposed Of

Judgement

Vijay Lakshmi, Member J

1. We have joined this Division Bench online through video conferencing.
2. Heard Shri A.K. Singh, learned counsel for the applicants and Shri Sri Prakash Rai, learned counsel for the respondents, both of whom are present online.
3. Learned counsel for the applicants has submitted that as per the guidelines dated 06.10.2020, of the respondents' department, the applicants should have been transferred within a radius of 50 kms. from their present place of posting, whereas in this case the applicants have been transferred far away. It is also submitted that the vacancies are available at OD Fort, Allahabad but the applicants have been transferred to Jabalpur, Kanpur etc. without keeping in view the guidelines/ transfer policy.
4. Learned counsel for the applicants submitted that although a joint representation dated 31.03.2021 (Annexure-A-4, page 74) is already pending

before the respondents on which no order has been passed till today, however, the applicants will be satisfied at this stage, if they are permitted to

move a fresh detailed joint representation annexing the relevant rules/circulars of the concerned department, before the competent authority and the

competent authority may be directed to decide the same within a stipulated period.

5. Learned counsel for the applicants has also prayed that in the meantime, till the disposal of their fresh representation, the competent authority

amongst the respondents may be directed not to relieve the applicants in pursuance of impugned transfer order dated 23.03.2021.

6. Learned counsel for the respondents has opposed the aforesaid prayer.

7. In view of the limited prayer made by learned counsel for the applicants and considering the fact that a joint representation dated 31.03.2021 is

already pending consideration before the respondents, it appears that no useful purpose will be served in keeping this matter pending. Accordingly, the

OA is disposed of finally at admission stage with the following directions to the parties:-

(i) The applicants shall move a fresh and detailed representation annexing all the relevant rules and guidelines within a period of 15 days from today

before the competent authority in the respondents' department;

(ii) The competent authority shall decide the same by passing a reasoned and speaking order keeping in view all the relevant rules, guidelines and

vacancies available at OD Fort, Allahabad within a period of four weeks from the date of receiving the representation along with a certified copy of

this order.

(iii) The order so passed, shall be communicated to the applicants without any delay.

8. If the applicants move fresh representation, as directed by this Tribunal, within the time prescribed, they will not be relieved from their present place

of posting in pursuance of impugned transfer order dated 23.03.2021, till the disposal of their representation.

9. It is made clear that we have not expressed any opinion on the merits of the case.

10. No order as to costs.

11. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to

this order during video conferencing.