

(2020) 10 CAT CK 0137
In the Central Administrative Tribunal
Case No : Original Application No. 1627 Of 2020

Devender Sharma (Emp ID-123396)	Vs	APPELLANT
Union Of India & Others		RESPONDENT

Date of Decision : 27-10-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 10 CAT CK 0137

Hon'ble Judges : Pradeep Kumar, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : K.K. Patel, G.S. Virk

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. In the present OA filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:-

â??(a) Call for the records of the case.

(b) Quash and set aside the impugned order F No. A-22/15/2/IRT/2019/Med.VI, dated 08.07.2019 (Annexure A/1) to the extent the applicant

fulfilling all the conditions prescribed under IRT policy dated 27.01.2013 has been discriminated and ignored from his legitimate legal right.

(c) Direct the respondent no. 1 who considered the case of the applicant belonging to Staff Nurse Cadre of Nursing Staff of ESIC for his

Inter Region Transfer as per his applications/undertaking under the IRT policy dated 27.02.2013 and further transfer him from ESIC Model

Hospital, Gurgaon to ESIC Hospitals at Rajasthan region.

(d) Direct the respondents to retain the appropriate seniority position after his transfer to ESIC Hospital Rajasthan region, which the

applicant would have acquired in case he has been transferred, vide impugned order dated 08.07.2019.

(e) Award exemplary costs of the proceedings.

(f) Pass any such further order or orders as deem fit and proper in the facts and circumstances of the present case.â??

2. Learned counsel for the applicant very fairly admitted that the applicant has not exhausted the available administrative remedies against the

impugned order dated 8.7.2019 (Annexure A/1). Keeping in view this fact, learned counsel for the applicant seeks permission to withdraw the OA

with liberty to the applicant to make a comprehensive representation before the competent authority within a week. He further submits that

respondents may be directed to dispose of such representation of the applicant in a time bound manner.

3. Shri G.S. Virk, learned senior Central Govt. counsel appearing for respondent no.1 is not having any objection to such a request of learned counsel

for the applicant. There is no appearance on behalf of other respondents in spite of the fact that learned counsel for the applicant stated at Bar that he

has served a copy of the OA to them before filing the present OA.

4. In view of the aforesaid facts and circumstances, OA is dismissed as withdrawn with liberty to the applicant to make a comprehensive

representation for redressal of his grievances raised in the present OA within a week to the respondents. If such a representation is preferred by the

applicant, it is directed the respondent no.2 shall consider and dispose of the same by passing a reasoned and speaking order as expeditiously as

possible and in any case within a period of six weeks of receipt of such representation.

5. We make it clear that while disposing of this OA, this Tribunal has not gone into the merit of the claim of the applicant.

6. The OA is disposed of in the aforesaid terms. No costs.