

(2022) 11 CAT CK 0026

In the Central Administrative Tribunal

Case No : Original Application No. 330, 999 Of 2022

Devendra Kumar

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 11-11-2022

Acts Referred:

Citation : (2022) 11 CAT CK 0026

Hon'ble Judges : B.K. Shrivastava, Member J

Bench : Single Bench

Advocate : N.P. Singh, Neeraj Singh, Chakrapani Vatsyayan

Final Decision : Disposed Of

Judgement

B.K. Shrivastava, Member (J)

Shri N.P. Singh, counsel for the applicant.

Shri Chakrapani Vatsyayan counsel for the respondents.

1. Heard on interim relief.

2. By the impugned order the applicant has been transferred from Prayagraj to ADRM Bhusawal. It is submitted by the counsel for the applicant that the applicant submitted a representation on 08.08.2022 (Annexure A-5). Thereafter, he again submitted another representation on 19.09.2022 (Annexure A-6). Both representations were pending, but the impugned order has been passed on 04.11.2022. Thereafter, he again submitted a representation on the next day of issuing the order i.e. 05.11.2022 (Annexure A-8). The applicant seeks the proper decision upon the aforesaid representation. It is submitted that the transfer is not according to the circular issued by the department itself.

3. The counsel also draw attention in this regard towards Annexure A-9 circular dated 06.07.1978, Annexure A-10 circular dated 19.11.1970 and 14.01.1975. He also draw attention towards transfer policy (Annexure A-12) dated 31.08.2015

and the departmental instructions contained in Annexure A-13 and also contained in letter dated 18.08.2022 (at page 46) and letter dated 06.09.2022. He seeks only fair decision upon the representation.

4. On the other side the respondents strongly opposed the OA. It is submitted by the counsel for the respondents that the applicant is serving in NCR from 2005. After 17 years he has been transferred to Bhusawal upon the post of ADRM which come under the category of Class I.

5. It is true that the applicant was serving in NCR since 2005. The applicant made two representations before the issuing the order. It was the duty of the department to decide his representation and communicate the result of the aforesaid representation, but the department did not communicate any decision upon the representation. The latest representation has been submitted by the applicant on 05.11.2022 by registered post. Therefore, in view of this the aforesaid representation should be decided according to the rules, regulations and the instructions issued by the department itself. Therefore, prayer is allowed. The OA is disposed of with the direction that respondent No. 2 will decide the aforesaid representation within one month from today and communicate the decision to the applicant immediately. The reasoned order should be passed mentioning the reason etc. No costs.

6. One True copy of this order be given to counsel for the respondents today.