

(2021) 02 CAT CK 0042

In the Central Administrative Tribunal

Case No : Original Application No. 292 Of 2021

Dinesh Kumar – Group C

APPELLANT

Vs

Indian Council Of Medical Research & Others

RESPONDENT

Date of Decision : 08-02-2021

Acts Referred:

Citation : (2021) 02 CAT CK 0042

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

Bench : Division Bench

Advocate : Apurb Lal, S.N. Verma

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. In the present Original Application, the applicant has challenged the order dated 2.2.2021 vide which the applicant, who is holding

Scientific/Technical Post and having all India transfer liability, has been transferred from Noida to Gorakhpur with immediate effect for six months or

till further orders. The applicant has also challenged the Office Order dated 3.2.2021 vide which the applicant is required to be relieved from his

present place of posting on 5.2.2021 to join at the new place of posting, i.e., Gorakhpur.

2. Learned counsel for the applicant submits that aggrieved by the aforesaid impugned orders, the applicant has preferred a representation dated

4.2.2021 (Annexure A/6) for redressal of his grievances. He further submits that in view of his disability and keeping in view the guidelines issued by

the Department of Personnel and Training OMs dated 10.5.1999 (Annexure A/4) and 31.3.2014 (Annexure A/5), the respondents are duty bound to

consider the applicant's claim to retain him at the same place, i.e., at Noida. He also submits that in case the impugned transfer is given effect to,

the same will be in violation of the aforesaid OMs as well as will be causing tremendous hardship to the applicant.

3. Issue notice. Shri S.N. Verma, learned counsel, who appears for the respondents on advance service, accepts notice. Shri Verma, learned counsel

for the respondents, submits that OA is pre-mature in as much as the applicant has challenged the transfer order dated 2.2.2021 whereas he has made

a representation to the competent authority for redressal of his grievances only on 4.2.2021. Even without awaiting for a reasonable time, he has

approached this Tribunal on 5.2.2021. He further submits that respondents are willing and agreeable to consider the aforesaid representation keeping

in view all material facts including the OMs, referred to by the applicant.

4. Learned counsels for the parties are not aware as to whether the applicant has already been relieved or not pursuant to the impugned relieving

order dated 3.2.2021.

5. In view of the aforesaid, without going in the merits of the claim of the applicant, the present OA is disposed of with direction to the respondents to

consider the applicant's aforesaid representation dated 4.2.2021 and to dispose of the same by passing a reasoned and speaking order as

expeditiously as possible and in any case within four weeks of receipt of a copy of this Order.

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