

(2022) 06 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00532 Of 2022

Dr. Praveen Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 02-06-2022

Acts Referred:

Citation : (2022) 06 CAT CK 0007

Hon'ble Judges : Tarun Shridhar, Member (A); Pratima K Gupta, Member, J

Bench : Division Bench

Advocate : M.K. Dhruvanshi, Chakrapani Vatsyayan

Final Decision : Disposed Of

Judgement

Tarun Shridhar, Member (A)

1. Shri M.K. Dhruvanshi, learned counsel for the applicant and Shri Chakrapani Vatsyayan, learned counsel for the respondents are present.

2. The applicant is aggrieved by an order dated 23.05.2022 by which he has been transferred from Kanpur to Shahjahanpur. By virtue of the present OA he seeks the following reliefs :-

“(i) The Hon’ble Tribunal may graciously be pleased to quash the impugned transfer order dated 23.05.2022 (Annexure-A-1) with all consequential benefits.

(ii) The Hon’ble Tribunal may further graciously be pleased to issue any other suitable order or direction which this Hon’ble Court finds deem fit and proper in the present facts and circumstances of the case.

(iii) To issue award cost and compensation in favour of the applicant.”

3. Learned counsel for the applicant argues that the applicant is 63 years old and at this stage of his life dislocating from his present place of posting shall cause severe hardship. Moreover, learned counsel further submits, the applicant has two school going children and this transfer is likely to adversely affect their

education. He also draws attention to an interim order passed by the Jabalpur Bench of this Tribunal vide which another person whose name figures in the same impugned transfer order has obtained stay on transfer and on a similar analogy, the learned counsel seeks stay on the transfer of the applicant also.

4. Learned counsel for the respondents on the other hand submits that the applicant has approached this Tribunal prematurely as the applicant has already preferred a representation before the competent authority and this representation is dated 30.05.2022, which is only two days back. The right course before the applicant would have been to await the decision of the competent authority instead of rushing to the Tribunal.

5. We have heard the learned counsel for the parties and also gone through the documents on record.

6. We also gone through the order passed by the Single Bench of the Jabalpur Bench of this Tribunal. We would not like to go into the merits of either the claim of the applicant or the merits of the order passed by the Jabalpur Bench. The facts of the matter is that the applicant has preferred his grievance by way of a representation before the competent authority and the representation is only two days old. Therefore, it would be appropriate to allow a reasonable time to the competent authority to take a well considered decision upon the representation of the applicant. Accordingly, we dispose of this original application at the admission stage itself with a direction to the competent authority to take a decision on the representation dated 30.05.2022 of the applicant within a period of four weeks from the date of this order in accordance with rules. We expect that the competent authority shall exercise its independent judgment in the matter.

7. Needless to say that we have not commented upon or expressed an opinion on the merits of the case.

8. With the aforesaid directions, the OA is disposed of. No order as to costs.