

(2024) 10 CAT CK 0012

In the Central Administrative Tribunal

Case No : Original Application No. 4235 Of 2024

Jay Kumar

APPELLANT

Vs

Director, Atomic Minerals Directorate For Exploration &
Research/Department Of Atomic Energy, 1-10-153-156,
AMD- Complex, Begumpet, Hyderabad-500016.
[Headquarters] & Ors.

RESPONDENT

Date of Decision : 25-10-2024

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2024) 10 CAT CK 0012

Hon'ble Judges : Ajay Pratap Singh, Member (J)

Bench : Single Bench

Advocate : Jay Kumar

Final Decision : Disposed Of

Judgement

Ajay Pratap Singh, Member (J)

1. By way of present Original Application filed under Section 19 of Administrative Tribunals Act 1985, applicant has sought the main relief (s) (as extracted from OA) as under:-

"8.1. The applicant prays for consideration of mutual transfer as indicated in the forced relieving order dated 18.10.2024."

2. Mr. Jay Kumar, the Applicant-Party-In Person contended that he is working as Upper Division Clerk in Atomic Minerals Directorate for Exploration and Research, Northern Region, New Delhi and had submitted application dated 26.12.2023 for mutual transfer from Accounts Section, AMD Northern Region to NRB, Tarapur as one employee namely Mr. Divya Kant working in similar capacity had expressed his willingness for mutual transfer.

3. Meanwhile, the applicant had made a request for withdrawal of his mutual transfer vide applications dated 05.08.2024 (Annexure A-6) & 10.09.2024

(Annexure A-11).

4. The respondents have not decided the applications for withdrawal of mutual transfer dated 05.08.2024 & 10.09.2024 and have issued the impugned relieving order dated 12.08.2024 directing the applicant to report to AO-III, GSO, NRB.s

5. Mr. Jay Kumar, the Applicant-Party-In Person after arguing for some time submits that he would be satisfied if direction is issued to the competent authority/respondent to decide his applications for withdrawal of mutual transfer dated 05.08.2024 (Annexure A-6) & 10.09.2024 (Annexure A-11).

6. The Hon'ble Supreme Court in case of Kranti Associates Private Limited & Another Vs Masood Ahmed Khan [2010 (9) SCC 496, Mohinder Singh Gill Vs. The Chief Election Commissioner [AIR 1978 SC 851] in Para-47 has summarized and has specifically held that trend in India always has been to record reasons even in administrative reasons if such decision affects anyone prejudicially.

7. This Tribunal has considered the matter and In view whereof, this O.A. is disposed of at admission stage itself with the following directions to the respondents –

(i) To take decision on pending applications dated 05.08.2024 (Annexure A-6) & 10.09.2024 (Annexure A-11) for withdrawal of request for mutual transfer of the applicant by considering each contention of the applicant by passing a reasoned and speaking order.

(ii) The relieving Order dated (Annexure A-1) 18.10.2024 shall not be implemented by the respondents. The respondents are further directed to not take any coercive action against the applicant and allow the applicant to continue at original place of posting at Delhi till the representations (Annexure A-6 & A-11) are decided.

(iii) The decision taken on applicant's applications (Annexure A-6 & A-11) for withdrawal of mutual transfer shall be communicated to the applicant

8. With the above observations and directions indicated hereinabove, the instant Original Application is disposed of at admission stage itself.

9. Needless to say, this Tribunal has not expressed any opinion on the merits of the case and the competent authority is free to decide the pending representation on own merits in accordance with law.

10. Pending MAs, if any, also stands closed.

11. The order be uploaded on the website forthwith.