

(2020) 09 CAT CK 0065

In the Central Administrative Tribunal

Case No : Original Application No. 1305 Of 2020, Miscellaneous Application No. 1640 Of 2020

Nitin Sharma & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 24-09-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 09 CAT CK 0065

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

Bench : Division Bench

Advocate : M.K. Bhardwaj, Hanu Bhaskar, Manjeet Singh Reen

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. Heard learned counsel for the applicants.
2. The applicants, 26 in numbers, have filed the present OA jointly under Section 19 of the A.T. Act, 1985 against the inaction of the respondents in not taking the final decision on the request of the applicants for inter commissionerate transfer.
3. Shri M. K. Bhardwaj, learned counsel for the applicants submits that the concerned commissionerates under which the applicants have been working, have already issued No Objection Certificate. However, the commissionerates where the applicants want to be transferred have not taken a decision in the matter in spite of representations (Annexure A-5 (collectively) and Annexure A-7 (collectively) from the applicants.
4. Issue notice to the respondents. Ld. Counsels, who appeared for the respondents on advance service accept notice.
5. MA No. 1640/2020 has been filed seeking permission to file the OA jointly. For the reasons given in the MA and keeping in view no objection from the Ld.

Counsels of the respondents, the MA seeking permission to file the OA jointly is allowed.

6. At this stage, Shri M. K. Bhardwaj, learned counsel for the applicants submits that the applicants shall be satisfied, if the present OA is disposed of at this very stage with a direction to the respondent no. 3 to consider the aforesaid pending representations of the applicants and to dispose of the same by passing an appropriate reasoned and speaking order in a time bound manner.

7. We take the considered view that if such a request on behalf of the applicants is accepted, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, without going into the merit of the claim of the applicants, we hereby dispose of the present OA at the admission stage itself with a direction to the respondent no.3 to consider the applicants' aforesaid pending representations and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within 12 weeks from the date of receipt of a certified copy of this order.

9. The OA is disposed of in the aforesaid terms. However, there shall be no order as to costs.