
(2019) 02 CAT CK 0054

In the Central Administrative Tribunal

Case No : Original Application No. 330, 00120 Of 2019

Pankaj Kumar Sharma

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision : 08-02-2019

Acts Referred:

Citation : (2019) 02 CAT CK 0054

Hon'ble Judges : Ajanta Dayalan, J;Rakesh Sagar Jain, J

Bench : Division Bench

Advocate : Pradeep Kumar Mishra, L.P. Tiwari

Final Decision : Disposed Off

Judgement

Ajanta Dayalan, J

Heard Shri S.K. Om proxy counsel to Shri P.K. Mishra, learned counsel for the applicant and Shri L.P. Tiwari, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant joined the service in the year 2002 and served in Jammu for about 6 years. In 2008, he was transferred to Gorakhpur, where he has continued since then. The applicant has challenged the impugned order dated 04.02.2019 (Annexure No. 1) by which he has been transferred from Gorakhpur to Jammu. The applicant made a representation dated 05.02.2019, but he is under apprehension that he may be relieved from the station. As such, he has approached this Tribunal through this OA.

3. Learned counsel for the applicant also states that an officer who has spent only 3 years at Jammu has been accommodated at Gorakhpur. He also states that there are vacancies in Gorakhpur and nearby stations. As such, he may be considered for accommodation at any nearby station. He also states that as per transfer policy, officers are due for transfer after 10 years of staying at a station. As such, the applicant was due for transfer. He further states that the applicant

suffers from Psoriasis, a skin disease and Psoriatic arthritis and since he was transferred from Jammu in 2008, he is under treatment at Lucknow.

4. Learned counsel for the applicant prays that the applicant may be accommodated at Gorakhpur or any nearby place, where the vacancy is available and in the meanwhile, status-quo qua applicant be maintained.

5. In view of the fact that the applicant has already made representation dated 05.02.2019, we direct the competent authority amongst the respondents to take a decision on the representation of the applicant within a period of two months from the date of receipt of a certified copy of this order and communicate the same to the applicant. In the meantime, status-quo qua applicant be maintained. It is also directed that while deciding the representation of the applicant, the department will consider the facts of the case as well as vacancy position and other relevant factors.

6. The OA is disposed of accordingly. No costs.

7. Copy of this order be given to the learned counsels for both the parties today.