
(2020) 08 CAT CK 0057

In the Central Administrative Tribunal

Case No : Original Application No. 1139 Of 2020

Rakesh Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 26-08-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 08 CAT CK 0057

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

Bench : Division Bench

Advocate : Rajinder Nischal, Sanjeev Yadav

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. Heard learned counsel for the applicant.
2. The present Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 to challenge the order dated 14.8.2020 (Annexure A-2) vide which the applicant has been transferred to Chandigarh.
3. The applicant has been working as Assistant Director under the Respondents. Mr. Nischal, learned counsel for the applicant, submits that the applicant had joined at Delhi station on 28.1.2018 after completing his tenure outside Delhi. He further submits that the applicant has complied with more than 13 transfer orders in his service tenure under the respondents and the applicant has not completed three years tenure at the present place of posting, i.e., Delhi. He further argues that as per the general guidelines contained in the CPWD Establishment Manual, the officer having two years residual service may opt for station of posting under residual period. The applicant is stated to have only 18 months service left. Besides, the applicant is stated to have been suffering from Diabetes and Arthritis etc. and his wife is working as Nurse at R.M.L. Hospital, New Delhi.

4. Learned counsel for the applicant submits that aggrieved by the aforesaid impugned transfer order, the applicant has made a representation dated 14.8.2020 through proper channel (Annexure A/2), the same is still pending consideration of the respondents.

5. Issue notice.

6. Shri Sanjeev Yadav, learned counsel for the respondents, who appears on advance service, accepts notice.

7. Shri Nischal, learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with directions to the respondents to consider the applicant's aforesaid representation dated 14.8.2020 (Annexure A/2) and to dispose of the same by passing an appropriate reasoned and speaking order and till then not to give effect to the said impugned transfer order.

8. To such request of the learned counsel for the applicant, the learned counsel for the respondents does not have any objection.

9. In view of the aforesaid facts and circumstances of the present case, without going into the merit 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 14.8.2020 (Annexure A/2) 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 respondents are directed not to give effect to the aforesaid impugned order till then.

10. The OA is disposed of in the aforesaid terms. No order as to costs.