
(2021) 06 CAT CK 0098

In the Central Administrative Tribunal

Case No : Original Application No. 1043 Of 2021

Sanjeev Kumar

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 22-06-2021

Acts Referred:

Citation : (2021) 06 CAT CK 0098

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

Bench : Division Bench

Advocate : Harpreet Singh, Ashish Rai

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. Heard learned counsels for the parties.

2. Pursuant to notice from this Tribunal, the respondents have filed a short reply. It is not in dispute that the applicant was appointed as Lower Division

Clerk under the respondents on 23.03.1989 and thereafter, he was promoted to the post of Upper Division Clerk. Since his joining of the services of

the respondents, the applicant has remained posted in Delhi. Subsequently, after his transfer vide impugned order dated 27.11.2019, applicant made a

representation before the respondents for being retained in Delhi on the ground of education of his children. The same was permitted by the

respondents and the applicant was not relieved up to 31.03.2020. Subsequently the competent authority keeping in view the administrative

requirements had relieved the applicant w.e.f. 11.03.2021. However, the applicant is stated to have made representation for his further retention in

Delhi on various grounds.

3. Learned counsel for applicant submits that the transfer and impugned relieving orders are contrary to own instructions of the respondents. He

further submits that that said representation has not been considered by the respondents.

4. Learned counsel for the applicant submits that the applicant shall be satisfied, if the present OA is disposed of with direction to the respondents to

consider the applicant's aforesaid pending representation dated 31.03.2021 followed by another representation dated 06.04.2021.

5. Learned counsel for the respondents vehemently opposed such prayer on behalf of the applicant. He submits that the applicant has shown

indiscipline in as much as in spite of being relieved on 11.03.2021, till date he has not reported for duty at new place in compliance of the valid order of

the respondents.

6. We have heard the learned counsel for the parties.

7. We are of the considered view that if the request made on behalf of the applicant is accepted to the extent that respondents may consider the

applicant's pending representations and dispose of the same by passing an appropriate reasoned and speaking order, 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 applicant and with the consent of the parties, the present OA is disposed of

with direction to the respondents to consider the applicant's aforesaid pending representations dated 31.03.2021 and 06.04.2021 and to dispose of

the same by passing an appropriate reasoned and speaking order as expeditiously as possible and in any case within six weeks of receipt of a copy of

this Order.

9. The aforesaid OA is disposed of in the aforesaid terms . No costs.