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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 4972/2019

MANOJ KUMAR ..... Petitioner

Through: Mr. V.K. Malik, Advocate.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. T.P. Singh, Senior Central Govt. Counsel, for the respondent No.1/ UOI.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

<u>O R D E R</u>

% **09.05.2019**

<u>C.M. No. 22107/2019</u>

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

<u>W.P.(C) 4972/2019</u>

3. Issue notice. Mr. T.P. Singh accepts notice on behalf of respondent No.1/ UOI.

4. In view of the order that we propose to pass, we do not consider it necessary to issue notice to the other respondents.

5. The petitioner assails the order dated 20.02.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.573/2019. The petitioner's said Original Application has been dismissed by the Tribunal. In the said Original Application, he had sought a direction to the respondents to consider his representation dated 10.02.2017, wherein he had sought repatriation from GST and Excise, Delhi Zone to GST and Excise, Ahmedabad Zone. The Tribunal rejected the said Original Application on the ground that since the lien period that the petitioner held in Ahmedabad Zone ended on 18.08.2018, there was no reason to give any direction to the respondents, or to admit the Original Application.

6. The submission of learned counsel for the petitioner is that the respondents should be directed to at least consider the petitioner's representation in the light of the present circumstances of the petitioner, and to pass an order thereon. Learned counsel for the respondent No.1 cannot oppose this limited prayer of the petitioner.

7. Every employee of the Government is entitled to represent his grievances before the employer, i.e. the Government, and it is the duty of every Government-employer to, at least, consider such representation and communicate its decision thereon which should also reflect reasons for the said decision. The Tribunal should not have rejected the Original Application since the petitioner was seeking consideration of his representation.

8. We, therefore, set aside the impugned order and dispose of this

petition with a direction to the respondents to consider the representation dated 10.02.2017 made by the petitioner regarding repatriation from GST and Excise, Delhi Zone to GST and Excise, Ahmedabad Zone within the next three months and to communicate the decision to the petitioner.

9. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 09, 2019
B.S. Rohella