

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1621/2002

This the 28th day of June, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

(X)

Sh. S.P. ~~Singh~~ Gupta
S/o Sh. D.D. Gupta,
R/o 31/2, Church Street,
Meerut Cantt.
(By Advocate: Sh. S.C. Gupta)

Versus

- Correction
allowed by
Hon'ble Bench
vide order
dt. 29.7.02
in MA NO. 1602/02
in OA NO. 1621/02
1. Union of India
Through Secretary, Ministry of Defence
South Block,
New Delhi.
 2. Engineer-in-Chief,
Army Head Quarters
Kashmir House,
New Delhi.
 3. Chief Engineer
Central Command
Lucknow.
Commander Works Engineer
(Military Engineering Services),
29-J, The Mall, Meerut Cantt.
- (By Advocate: Sh. R.N. Singh)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA assailing the order of transfer Annexure-A vide which he has been transferred from Meerut to Allahabad.

2. Facts in brief are that the applicant is working as Junior Engineers in the office of Commander Works Engineer, an office of Military Engineers Services, Meerut. Applicant alongwith four other persons of the same rank had been transferred from Meerut to Allahabad and Lucknow on administrative grounds and in the interest of State.


[Signature]

3. Applicant claims that the order of transfer in respect of applicant is arbitrary, malafide, discriminatory and against the principles of natural justice as well as the transfer policy of the department. Applicant has also pleaded that earlier a routine transfer order was issued in which the applicant was not transferred as the applicant had not completed the tenure of minimum period of 3 years. He has been transferred under colourable exercise of administrative powers but infact the transfer order amounts to punishment. So he has pleaded for quashing of the transfer orders.

4. Respondents are contesting the OA. Respondents have filed their reply. Respondents submitted that the transfer order has been passed by the competent authority in public interest as well as in the interest of State. Keeping in view the relevant facts, rules, instructions and guidelines in mind and there is no infirmity in the order. It is further pleaded that annonymus complaints were received which were given due consideration and in order to take remedial measures the applicant had been posted out to prevent the menace as stay of applicant at Meerut become unsaafe to the Govt./the interest of organisation and the posting order has been issued as per policy.

5. Applicant also claims to have made a representation to the appellate authority which is still pending and had not yet been decided. I have heard the learned counsel for the parties and gone through the record.

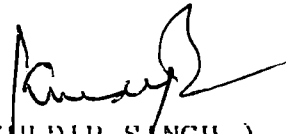
6. At this stage it will not be out of place to mention that the other officers of the same rank who had been transferred by this common 'impugned' order had also filed their OAs challenging their transfers and those OAs have been disposed



of by this Court directing the respondents to decide the representation of the respective applicants within a period of one month and it was further directed that the respondents will not insist upon the applicants to join at the transferred place.

7. Applicant's counsel in this case also prayed for similar relief. However, the learned counsel for the respondents opposed this relief as well. In this case, as he submitted that this case is little bit different then those four cases as those four persons have not been relieved whereas the applicant had already stood relieved and he had already applied for TA/DA to join new place of posting. And the TA/DA had been sanctioned but the applicant himself had not come to the office to collect the amount of TA/DA and he is avoiding to join his new place of posting.

8. Keeping in view the same, I had put a query to the learned counsel for the applicant who after seeking instructions from the applicant who was present in Court admitted that the applicant had already applied for grant of TA/DA to join the new place of posting. In view of these circumstances I find that the transfer order is not liable to be quashed or set aside nor is to be stayed. Applicant has to join the new place of posting. However, the department shall decide the representation of the applicant within a period of one month from the date of receipt of a copy of this order. If thereafter any grievance still survives, applicant will be at liberty to challenge the same. No costs.


(KULDIP SINGH)
Member (J)

'8d'

MA 1602/02 - by respondent
MA 1603/02 - by applicants

Amended
Typographical error.