



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Chandigarh, this the 24th day of January, 2020

HON'BLE MR.SANJEEV KAUSHIK, MEMBER (J)

(I) OA NO. 060/0023/2020

Satish Kumar son of Sh. Krishan Lal, aged 56 years, working as Private Secretary, Headquarters Western Command, Chandimandir-134107.

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(II) OA NO. 060/0026/2020

Ms. Mamta D/o Late Sh. Bachna Atwal, aged 57 years, presently working as Private Secretary, Office of HQ Western Command (Signals Branch), C/o 56 APO (R/o House No. 654/4, Lower Kurari Mohala, Kalka, Distt. Panchkula, Haryana-133 302)

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**



VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(III) OA NO. 060/0027/2020

Mrs. Suman Bhatia W/o Sh. Ashok Kumar Bhatia, aged 52 years, presently working as Private Secretary to MG (Medical), HQ Western Command, Chandimandir-134107

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(IV) OA NO. 060/0028/2020

Mrs. Neeraj W/o Sh. Rjinder Kumar, aged 52 years, presently working as Senior Private Secretary, Office of MGGs (SD & WE), HQ Western Command, (R/o Flat No. 306, Cinereria Block, Amravati Enclave, Panchkula-134107.

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(V) OA NO. 060/0029/2020

Raj Singh son of Shri Amar Singh, aged 54 years, presently working as Private Secretary, Office of MG-IC Administration, Headquarters Western Command, (R/o House No. 502, Harmilap Nagar, Phase-I, VPO Baltana, Zirakpur, Punjab-140 604.

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS



1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(VI) OA NO. 060/0030/2020

Jai Prakash son of Sh. K.D. Sharma, aged 55 years, presently working as Office Superintendent HQ Western Command, Chandimandir.

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(VII) OA NO. 060/0032/2020



Rajendra Dobhal son of Late Sh. Mathura Prasad, presently working as Private Secretary, Office of MG-OL, HQ Western Command (R/o House No. 8808, Sector 125, Sunny Enclave, Kharar, Mohali-140 301).

.....Applicant

BY ADVOCATE: **Sh. D.R. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Western Command, Chandimndir-134 109.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(VIII) OA NO. 061/0073/2020

Asha S. Kumar w/o Sh. Sudarshan Kumar, aged 54 years, working as Private Secretary, Headquarters Northern Command, Udhampur (JK)-182101.

.....Applicant

BY ADVOCATE: **Sh. K.B. SHARMA**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Headquarters Northern Command, Udhampur (JK)-182 101.

.....Respondents



BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(IX) OA NO. 061/0074/2020

Sunil Kumar Dhar (SD-9998015) S/o Sh. Badri Nath Dhar, aged 56 years, working as Private Secretary, Headquarters Northern Command, Udhampur (Jammu & Kashmir)-182 101.

.....Applicant

BY ADVOCATE: **Sh. K.B. Sharma**

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Headquarters Northern Command, Udhampur (JK)-182 101.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

(X) OA NO. 061/0076/2020

Rajesh Bharti s/o Sh. Bodh Raj Sharma, aged 53 years, presently working as Office Superintendent HQ Northern Command, Udhampur-182 101.

.....Applicant

BY ADVOCATE: **Sh. K.B. SHARMA**

VERSUS



1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110 001.
2. Director General Staff Duties SD-7 (Admn. Civilians), General Staff Branch, Integrated HQ of Ministry of Defence (Army), DHQ, P.O. New Delhi-110 011.
3. The General Officer Commanding in Chief, HQ, Headquarters Northern Command, Udhampur (JK)-182 101.

.....Respondents

BY ADVOCATE: **Sh. A.K. Sharma, Sh. Sanjay Goyal & Brigadier N.K. Ohri, VSM, Dy. JAG, HQ Western Command**

ORDER (ORAL)

MR. SANJEEV KAUSHIK, MEMBER(J):-

1. Heard learned counsel for the applicants in OAs No. 061/73/2020, 061/174/2020 & 061/76/2020.
2. Issue notice.
3. This order will dispose of above captioned ten OAs, which involve identical questions of law and facts and relief claimed is also common. Likewise is also requested by the learned counsel for the parties. For convenience, the facts are being taken from OA No. 060/0023/2020 titled **Satish Kumar Vs. UOI & Ors.**
4. The applicant herein assails his transfer order dated 02.01.2020 which is purported to have been passed



in accordance with transfer policy dated 29.11.2019 whereby the applicant has been transferred from Chandimandir to Headquarters Eastern Command, Kolkata.

5. On notice of motion, the respondents put in appearance. Brigadier N.K. Ohri, VSM, Dy. JAG, HQ, Western Command is also present in court. Though he tried to justify the stand taken by the respondents in passing the impugned transfer order based on policy dated 29.11.2019, by submitting that the transfer policy has been framed pursuant to a direction by the Supreme Court in the case of **T.S.R. Subrmanian & Ors. Vs. UOI & Ors., 2014 (1) SCT 255**. He also submitted that the interim protection was granted by this court to applicant in terms of the order passed by the Hon'ble High Court in CWP No. 105/2020, arising out of the order passed by this court, whereby this court had declined to grant interim stay.

6. Brigadier Ohri further apprised this court that they have decided to move an application for vacation of stay before the Hon'ble High Court on the same facts which have been pleaded before this court. He further stated that since the representation of the applicant against



transfer order is pending, therefore, at this stage, let the respondents be allowed to decide this pending representation by passing a reasoned and speaking order before the intended date of relieving of the applicant, i.e. 10.02.2020. In this context, he also stated that while deciding the indicated representation, the respondents will consider each and every point raised by the applicant in the instant OA also.

7. Learned counsel representing the applicants very fairly submitted that in the eventuality of order going against him, the applicants may be given protection for another three days beyond the date of such order by the respondents so that the applicant can approach the court of law.

8. After examining the averments made by both the parties and the stand taken by the respondents, I dispose of all these OAs by directing the competent authority amongst the respondents, to whom the representations have been addressed, to decide the same by passing a reasoned and speaking order within the time as indicated above. While deciding the same, the respondents shall also consider the stay order granted by different Hon'ble High Courts in similar matters. The order so passed shall



be communicated to the applicants. If the order so passed is against the applicants, then it will not effect for further three days of receipt of such order by the applicants, so that they can approach the court of law to seek appropriate remedy in accordance with law. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.01.2020
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