

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00924/2019

Jabalpur, this Wednesday, the 08th day of January, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Pankaj Chaturvedi, aged about 38 years
S/o Late J.N. Chaturvedi Presently working as
Chargemen Jabalpur residing at H.No.3132
Narsingh Nagar, Near Kali Mandir,
Ranjhi Jabalpur (M.P.) 482001 **-Applicant**
(By Advocate –**Shri Jasneet Singh Hora alongwith**
Shri Kabeer Paul)

V e r s u s

1. Union of India, Through its Secretary,
Ministry of Defence South Block New Delhi 110001
2. Union of India Ministry of Defence
Through its Chairman Ordnance Factory Board
Kolkata 10-A S.K. Bose Road,
Kolkata (West Bengal) 700001
3. General Manager, Ordnance Factory Chanda
(Chandrapur) Maharashtra 442501
4. General Manager, Vehicle Factory Jabalpur
Madhya Pradesh 482009 **- Respondents**
(By Advocate –**Shri D.S.Baghel**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

The applicant has filed this Original Application against the
order dated 19.11.2015(Annexure A-6) whereby the applicant has

been transferred to Ordnance Factory, Chanda (Maharashtra) from Vehicle Factory, Jabalpur.

2. The applicant has sought for the following reliefs in this Original Application.:

“(8)i That this Hon’ble Tribunal may be pleased to direct the respondents to produce the entire record pertaining to the passing of the impugned order dated 19/11/2015.

ii. That this Hon’ble Tribunal may be pleased to quash the impugned order dated 19/11/2015 (Annexure A-6).

iii. That this Hon’ble Tribunal may be please to direct the Respondent No.2 to consider and decide the representations/applications submitted by the petitioner on compensate and legal grounds and pass necessary orders thereto at the earlier possible opportunity.

iv. Any other order or direction as this Hon’ble Tribunal deems fit may be passed.

v. Costs of the application be also awarded.”

3. The applicant has challenged the impugned order on the ground that the respondent No.2 has acted with material irregularity while issuing the transfer order without any justifiable cause as there is no public interest involved in the impugned order.

4. The respondent No. 3 has acted in an arbitrary manner for not forwarding representations of the applicant to the Ordnance Factory Board, Calcutta referred by the applicant seeking his transfer to Jabalpur especially when the applicant ought not have been transferred to Ordnance Factory, Chanda in the first place

considering the fact that the case filed by the CBI against the applicant was pending before Special Judge, CBI, Jabalpur.

5. The applicant is undergoing immense financial hardship when he has to regularly visit to Jabalpur to attend the various dates fixed by the trial court by time to time. On account of such travel the applicant is facing extreme financial loss beside physical and mentioned exertion. On account of extreme hardship faced by the applicant to travel to Jabalpur every time to attend that hearing and has to take leave for 4 to 5 days for the same to attend hearing. Moreover, the family of the applicant lives at Jabalpur alone and no one is to look after them in his absence. Despite representation no action has been taken by the respondents.

6. At this stage counsel for the applicant submits that various representations including Annexure A-17 has been made to the respondents, Ordnance Factory Board, Calcutta dated 17.11.2017, which has been forwarded by Joint General Manager to the Secretary Ordnance Factory Board, Calcutta on 27.12.2017, the same is pending before the OFB and the applicant will be satisfied if the respondents are directed to decide the representation dated 17.11.2017 in a time bound manner.

7. We have perused the representation and also gone through the grounds mentioned in the Original Application.

8. The applicant has made the request to the Ordnance Factory Board, in the said representation which is still pending. In these circumstances, the natural justice will be met by directing the respondents to decide the same.

9. Resultantly, respondents are directed to decide the representation dated 17.11.2017 with a speaking order which has been forwarded by Joint General Manager to the Secretary Ordnance Factory Board Calcutta on 27.12.2017 within a period of 90 days after received the order of this Tribunal.

10. It is made clear that the Tribunal has not touched the merits of the case.

11. With these observations, the Original Application is finally disposed of at the admission stage itself.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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