

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Original Application No. 332/00007/2020
This the 06th day of January, 2020

Hon'ble Ms. Jasmine Ahmed, Member - J
Hon'ble Mr. Devendra Chaudhry, Member-A

Narendra Singh Rawat, aged about 57 years, son of late Sri R.S Rawat, R/o 146/1 Outram Lines, Opposite Traffic Police Office, Sadar Cantt. Lucknow.

..... Applicant

By Advocate: Sri Dharmendra Awasthi.

VERSUS

1. Union of India, Through Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Director, Directorate General of Staff Duties SD-7 (Adm Civ) General Staff Branch, Integrated HQ MoD (Army), Sena Bhawan, New Delhi-11.
3. The GoC-in-C, Central Command, Headquarters, Lucknow.

By Advocate: Sri S. Lal

..... Respondents

O R D E R (ORAL)

Delivered by:

Hon'ble Ms. Jasmine Ahmed, Member - J

It is contended by the learned counsel for the applicant that the applicant herein has been transferred vide impugned order dated 30.12.2019 from one Command to another Command. It is further contended that the transfer from one Command to another Command will definitely affect the overall seniority of the applicant as seniority is being maintained command wise. He also argues that though the respondents have taken plea of Hon'ble Apex Court judgement in the case of **TSR Subramanian & Ors Vs Union of India & Ors** decided on 31.10.2013 and constituted a Committee for transfer but the judgement of the Hon'ble Apex Court is dated 31.10.2013 and after a lapse of six years the respondents have come

out with this transfer order and took plea of the above said Hon'ble Apex Court judgement.

2. Counsel for the applicant also states that respondents should have taken into account/ consider the mid academic session policy. He also contends that respondents should also have asked options from the applicant before transferring him from one place to another. Applicant's counsel further states that the applicant has preferred a representation dated 03.01.2020 against the impugned transfer order which is still pending. He states that the applicant would be happy and satisfied if a direction be given to the respondents to decide the pending representation of the applicant in a time bound manner.

3. Learned counsel for the respondents states that the applicant herein has stayed for over thirteen years at the current station and station is the criteria for transfer viz. Lucknow and so he has rightly been transferred and transfer is an incident of service not to be interfered unless there is malafide, etc. That the applicant is Group B employee and as per guidelines transferable anywhere in India. Also the competence of the transferring authority of the applicant is not challenged. The issue of seniority has also not been stated in the representation of 03.01.2020.

4. Accordingly, the respondents are directed to decide the pending representation of the applicant dated 03.01.2020 by passing a reasoned and speaking order within a period of six weeks from the date of receipt of certified copy of this order. It is made clear that nothing has been commended on the merit of the case.

5. With the above direction, O.A stands disposed of. There shall be no order as to costs.

(Devendra Chaudhry)

Member(A)

RK

(Jasmine Ahmed)

Member (J)