

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.210/00031/2020

Date of Decision: 08.01.2020

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Shri Dinesh Chandra Premjibhai Parmar,
Age 50 years, Working as Junior Engineer(QS&C),
Office of Garrison Engineer(P) AF, Lohegaon,
Pune- 411 032, residing at c/o Satish Vishwanath
Gurjal, Plot No. 10, Survey No. 36/2, Road No.6,
Vidya Nagar, Tingre Nagar, Pune- 411 015.
Email id: dparmar269@gmail.com,
Mob: 9824040591. - Applicant.
(By Advocate Shri Vicky Nagrani)

VERSUS

1. Union of India, Through the Secretary,
Ministry of Defence, South Block, New Delhi- 110 001.
2. The Directorate General(Personnel),
Engineer-In-Chief's Branch, Military Engineer Services,
Kashmir House, Rajaji Marg, New Delhi- 110 011.
3. Chief Engineer, (HQ) CE, South Western Command,
Pin 908 546, CO 56 APO.
4. The Chief Engineer, HQ CE(AF), Gandhi Nagar, Lekhawada,
Patia, Chiloda, P.O. CRPF Campus, Gandhi Nagar- 382 042.
5. Commander Works Engineer(AF),
MES Lohegaon, Pune- 411 032.
6. The Garrison Engineer(P), (AF), Lohegaon,
Pune- 411 032. - Respondents.
(By Advocate Shri R.R.Shetty)

ORDER(oral)

Per: R.N. Singh, Member (J)

Heard the learned counsel for the
applicant.

2. In the present OA, filed under Section 19
of the Administrative Tribunals Act, 1985,
the applicant has challenged the movement
order dated 03.01.2020 (Annex A-1), passed by

the respondents.

3. The learned counsel for the applicant submits that the applicant was promoted to the post of Assistant Engineer (QS&C) along with a few others vide order dated 03.07.2019 (Annex A-2) and in terms of that order, the applicant was required to report forthwith at GE (I) (CG), Bhubneshwar. On receipt of such order of promotion, the applicant made a representation dated 09.07.2019 (Annex A-3) requesting the respondents therein to change the place of his posting but the respondents have rejected the request the same vide order dated 18.12.2019 (Annex A-9).

4. The learned counsel for the applicant submits that subsequent to such rejection, the applicant has preferred a representation dated 31.12.2019 (Annex A-10) indicating therein his unwillingness for the aforesaid promotion and during pendency of such representation dated 31.12.2019 (Annex A-10), the respondents have issued the impugned movement order dated 03.01.2020 (Annex A-1).

5. The learned counsel for the applicant argues that the applicant is entitled to forgo the aforesaid promotion. However, it is evident that the applicant has never

joined on the promotional post and he has decided as such only after his repeated request of change of place of posting on his such promotion has been rejected by the respondents and the OA has been filed on 07.01.2020.

6. Shri R.R.Shetty, learned Senior Central Government counsel who appears for the respondents on advance notice and instructions vehemently opposes the claim of the applicant and he submits that on face of it, the OA is without any cause of action and it is premature.

7. At this stage, the learned counsel for the applicant submits that the OA may be disposed of with a direction to the respondents to consider and dispose of the applicant's representation dated 31.12.2019 (Annex A-10) in a time bound manner.

8. We are of the considered view that if such request of the applicant is accepted, no prejudice is likely to be caused to the respondents.

9. In view of the aforesaid facts and circumstances and without going into the merit of the claim of the applicant, the OA

is disposed of with a direction to the Competent Authority under the respondents to consider the applicant's representation dated 31.12.2019 and to dispose of the same by passing a speaking and reasoned order as expeditiously as possible and in any case within eight weeks from the date of receipt of a certified copy of this order. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

*kmg**

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10/01/20