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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.NO. 2604/96

New Delhi: this the 16th day of July, 1997.

HON'BLE MR. S. R. ADIGE MEMBER(A).

Shri Bharat Bhushan (MES 310854)

s/o Late Shri Amar Nath,
UDC., Office of the Commandant,
Engineer Stores Depot, Delhi Cantt- 110010

R/o KG-2/372, Vikaspuri,

New Delhi 110018

..... Applicant.

(By Advocate: Shri M.L. Chawla)

Versus

Union of India
through
the Secretary to the Govt. of
India,
Ministry of Defence, Govt. of India,
Central Secretariat,
South Block,
New Delhi- 110011

2. The Director General,
Addl. Dte. General of Org/ Org-4 (Civ) (c),
Adjutant General's Bench,
Army Headquarters,
Sena Bhawan, DHQ PO
New Delhi - 110011.

3. The Chief Engineer, (MES)
Delhi Zone,
Delhi Cantt, 110010

4. The Commandant,
Engineer Stores Depot,
Delhi Cantt- 110010

..... Respondents.

(By Advocate: Shri VSR Krishna,

JUDGMENT

Applicant impugns order dated 22.4.96
(Annexure-A10) transferring him from Delhi to
Bikaner.

2. Applicant joined service as LDC on 1.7.72
and was promoted an UDC on 19.12.95. By impugned order
dated 22.4.96 he was transferred from Delhi to

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Bikaner. He represented against that transfer on 21.5.96 which was rejected. He again represented on 27.9.96. Meanwhile during pendency of disposal of his representation dated 21.5.96 he was elected as Member of Works Committee and now seeks protection of Defence Ministry's OM dated 2.4.80 (Annexure-A3(a)) against his transfer to Bikaner.

3. Respondents in reply state that the transfer order was issued on 22.4.96 and was to have been implemented by 30.6.96. Till that point of time applicant was not a member of the Works Committee. They state that he represented against his transfer on entirely different grounds and pending decision on his representation he was elected Member, Works Committee and thus cannot get the protection of OM dated 2.4.80. Reference has also been made to respondents' letter dated 23.2.93 which grants protection from transfer against five important office-bearers of Unions/ Associations and it is contended that applicant is not one amongst these five.

4. I find that OM dated 2.4.80 provides that for transferring elected representatives of Works Committees prior approval of the Defence Ministry should be obtained after explaining the reasons for the transfer. Applicant himself in his representation dated 27.9.96(Annexure-A8) has prayed that before relieving him the Defence Ministry's prior approval be obtained. There is nothing to indicate that this has been done.

5. This OA is disposed of with direction

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to Respondent No.1 to examine the applicant's case in the light of the facts mentioned above and pass a speaking order thereon within 2 months from the date of receipt of a copy of this order. No costs.

Arfeliq
(S.R. ADIGE)
MEMBER(A).

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