

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 686/1996

New Delhi this the 20th day of May, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN

HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

M. L. Sharma,
Administrative Officer-II,
Posted under Chief Engineer
Chandi Mandir,
presently under Garrison
Engineer (A.F.),
Tughlakabad,
New Delhi.

... Applicant

(By Shri D. S. Mahendru, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Defence, South Block,
Govt. of India,
New Delhi.

2. Engineer-in-Chief,
Army Headquarters (DHQ),
New Delhi-110001.

... Respondents

(By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri Justice A. P. Ravani -

The applicant is serving as Office Superintendent Grade-I in the office of respondent No.2., that is, Engineer-in-Chief, Army Headquarters, New Delhi. On promotion to the post of Administrative Officer Grade-II he has been ordered to be transferred to Chandi Mandir from New Delhi. The applicant has challenged the legality and validity of this order of transfer by filing this O.A. Before approaching this Tribunal, the applicant did make representation. However, that representation has not been considered on merits and the same has been rejected on the ground of limitation as per order dated March 26, 1996.

(3)

2. The applicant has filed this O.A. on April 3, 1996 and also prayed for interim relief. This Tribunal has stayed the operation of the impugned order by order dated April 3, 1996. The interim order has been extended upto July 19, 1996 as per order dated May 10, 1996.

3. Today when the application came up for hearing, we have heard the learned counsel appearing for the parties. In our opinion, the application is capable of being disposed of by giving the following directions :-

- 1) The applicant shall furnish two copies of the O.A..latest by May 22, 1996.
- 2) Registry of the Tribunal shall send a copy of this order together with copy of the application to the respondents.
- 3) Respondent No.2, that is, Engineer-in-Chief, Army Headquarters, New Delhi, is directed to consider this application itself as representation made to him and decide the same latest by June 7, 1996. Respondent No.2 shall pass reasoned and speaking order.
- 4) The decision that will be taken by respondent No.2 shall be communicated to the applicant within three days from the date of the decision by registered A/D post and also by ordinary post under certificate of posting.
- 5) Respondent No.2 shall consider the representation on merits in accordance with law without in any way being influenced by the fact that this

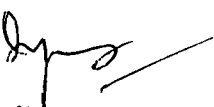
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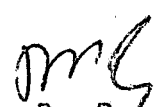
(C)

application has been disposed of by issuing directions as stated above.

- 6) The respondents are further directed to treat the applicant as being an officer at the office of Engineer-in-Chief, Army Headquarters, New Delhi and pay him due salary till the disposal of the representation.
- 7) In the facts of the case, it is directed that the impugned order of transfer shall not be implemented upto July 19, 1996 as directed by this Tribunal in its order dated May 10, 1996.

4. Subject to the aforesaid observations and directions, this application stands disposed of.


(K. Muthukumar)
Member (A)


(A. P. Ravani)
Chairman

/as/