

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

D.A. No. 1917/94

New Delhi, dated the 18th Jan., 1995

CORAM

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Surash Chand
Upper Division Clerk,
Command Works Engineer,
29 J The Mall Meerut Cantt.

... Applicant

(By Advocate Shri K.B.S. Rajan)

v/s

1. The Union of India through
the Chief Engineer, Central Command,
Lucknow.
2. The Chief Engineer, Bareilly Zone,
Sarvatra Bhawan,
Station Road, Bareilly Cantt.
3. The Command Works Engineer,
29 J the Mall, Meerut Cantt.

... Respondents

(By Advocate Shri M.M. Sudan)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member(J))

The applicant is aggrieved by the order dated 31-5-1994 (Ann.A.1) issued by the Engineers Branch Headquarters, Central Command, Lucknow under whom he is working as UDC in which certain posting/transfer of UDCs has been made in the public interest. The applicant's name appears at serial No.86 in this order. He has been transferred from Meerut to Ramgarh and there is a noting given below his name as "longest stayee" at Meerut.

2. I have perused the records in this case ^{also} and/heard the learned counsel for both the parties.

3. Shri K.B.S. Rajan, learned counsel clarified that in view of the decision in a similar case of R.K. Verma v. UOI & Ors (OA 1318/94 decided on 3.12.1994), he has not pressing the grounds regarding the validity of the transfer policy/guidelines or their amendments made in this case. However, he submits that according to para 4.10 of the respondents reply, only 5 UDCs became surplus at Meerut who have to be posted out from that station. The applicant being No.6 has been apparently disturbed because of the noting that he has longest stay at Meerut. Shri Rajan's submission is that he being the 6th person, when only 5 UDCs were required to be posted out of Meerut it was not necessary to disturb the applicant. He states that the respondents have also not considered whether any other person ^a who may have ^{any} longer posting at ^{any} other stations, ^b other than Meerut, ^b has also been taken account. He has also drawn my attention to the Ann.A.8 letter from the Commander Works Engineer, Meerut dated 12.8.94 addressed to the Chief Engineer, Bareilly and copy to the Chief Engineer (Central Command) Lucknow. In this letter it has been stated, inter-alia, that on the superannuation of one Shri J.P. Singhal UDC of GE(S) Meerut on 31.7.94, the applicant could be retained at Meerut. It is also stated that the applicant is junior most among all the six UDCs who have been posted out of Meerut

by the impugned order dated 31.5.1994. In the circumstances the CWE, Meerut had strongly recommended the case of the applicant for retention at Meerut. In the above circumstances, the learned counsel for the applicant submits that a suitable direction may be given to the competent authority to reconsider his case in accordance with law. He has also submitted that although the original transfer order was passed on 31.5.1994, any transfer that may be given effect to how, will create hardship to his school going children and this may also be kept in view by the competent authority.

5. The respondents have in their reply merely stated that they have not accepted the recommendations of the Command Works Engineer, Meerut, respondent No.3 without giving any reasons.

6. Having regard to the facts and circumstances of the case, since no reasons have been given as to why the recommendations of respondent No.3 have been rejected by the respondent No.1, who is the competent authority showing application of mind, the OA is disposed of with the following directions:-

The applicant shall submit a representation against his transfer from Meerut to Ramgarh to respondent No.1 for consideration within 15 days of the receipt of a copy of this order. Respondent No.1 shall consider such representation ~~and also~~ and

BS ~~and also~~ and pass a speaking

(12)

order with reasons in accordance with law, with a copy to the applicant within one month. Till the representation is disposed of by the respondents as directed above, the applicant shall not be relieved from Measut in pursuance of the impugned order dated 31.5.1994.

7. The OA is disposed of with the above directions. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member(J)

sk