

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

RA No: 251 of 1994.

in

OA 2428 of 1993.

New Delhi, this the 21st day of August, 1994.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

Shri Sunil K. Aggarwal, O/O the Chief Engineer
Delhi Zone, Delhi Cant. Applicant/petitioner

vs.

1. The Engineer in Chief, AHQ,
DHQ PO ND-11.
2. The Secretary to the Govt. of India,
Ministry of Defence, DHQ, ND-11.

..... Respondents.

ORDER (by circulation)

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A))

This RA has been filed by the applicant
in O.A.No.2428 of 1993, requesting for recall of
the judgment of this Tribunal dated 7.4.1984.

2. One of the grounds taken by the applicant
is that his case should have been considered by the
Division Bench and not by a Single Member Bench.
The judgment was dictated in open Court in the
presence of applicant and no objection was raised
by him. Under orders dated December 18, 1991
of the Hon'ble Chairman, transfer matters have to be dealt
with by a single-member Bench. Any request for
referring the matter to a Division Bench should
be made by the parties at the begining of the proceedings.
This argument is, therefore, not tenable. The
other contention of the applicant is that as he

belongs to MES Class-I, only the President can issue
any appointment order in his case. He also contends
that the Army Headquarter is not the head of Department.
It is an accepted fact that the Engineer-in-Chief is the
B.M.

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head of MES and is the competent authority to transfer officers working under him. Usually, the transfer orders are approved by the competent authority and conveyed to the officer through their formations.

3. Various other grounds have been taken in the review application, like no witness being examined and no oral/documentary evidence being taken into consideration or citation of the Supreme Court cases, not being given ^{by} are not relevant for the consideration of the main issue, that is, whether this Tribunal should interfere with a valid transfer order of an officer, who is liable for All India Transfer. This Tribunal correctly reached the conclusion that this is not a case fit for interference.

4. In view of the above consideration, the review application is hereby rejected.

/sds/

B.N.Dhondiyal
(B.N.Dhondiyal)
Member(A). 18/94.