

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2178/2020

This the 12th day of January, 2021

Through video conferencing

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)

Madan Ojha (PA No.45945 R),
S/o late Yogendra Ojha,
R/o L595, Gali No.15, Mahipalpur,
Behind Raddison Hotel, Delhi-110 037. .. Applicant

(Through Advocate :Mr.Ajit Kakkar, Counsel for the Applicant)

Versus

1. Union of India, Through the Secretary,
M/o Defence, South Block, DHQ PO,
New Delhi-110 011.
2. The Chief of Air Staff, AIR HQ (VB),
Rafi Marg, New Delhi-110 106.
3. Air Officer Comanding, AFCAO,
Subroto Park, New Delhi-110 010.
4. Directorate of Indian Army Veterans (DIAV),
Adjutant General's (AG) Branch,
Integrated HQ of MOD (Army), 104,
Cavalry Road, Delhi Cantt-110 010.

... Respondents

(Through Advocate: Mr.Rajeev Kumar, Counsel for the Respondents)



ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman:**

The applicant retired from Indian Army on 31.05.2016. Thereafter, he was appointed as Draughtsman in the Air Force Intelligence School (AFIS), Pune, on 05.06.2017. He made a representation on 17.12.2019 with a request to transfer him to an establishment at Nagpur on compassionate grounds. That was rejected on 13.07.2020. It was mentioned that the vacancy available at Nagpur is of pre-2009 period. He made another representation on 21.08.2020.

2. Earlier, the applicant approached the Hon'ble High Court of Delhi by filing WP.No.10417/2020. It was disposed of on 15.12.2020, leaving it open to the applicant to file OA. Accordingly, the present OA is filed with a prayer to direct the respondents to post/transfer him against a vacancy available in Nagpur or in any defence unit, where he can be assigned clerical duties or those of Draughtsman.

3. The applicant contends that his native place is Nagpur, and on account of recent bereavement in his family, he intends to stay in Nagpur. It is submitted that it would be convenient for him to settle his family affairs, if he is posted at Nagpur.

4. We heard Mr.Ajit Kakkar, learned counsel for the Applicant and Mr.Rajeev Kumar, learned counsel for the Respondents.



5. The applicant served Indian Army for 33 years. It is almost the same as the length of service as in a civilian establishment. However, he wants to keep himself busy, post retirement and accordingly sought an assignment in the AFIS, at Pune. He was appointed as Draughtsman in the year 2017. One and half years thereafter, he started making requests for being posted at Nagpur. A reply was given on 13.07.2020, rejecting the same, which reads as under:

“1. Refer your letter No.Air HQ/S 20019/9/1/A/(S), datd 25 Feb 2020.

2. This posting request received from Sh.Madan Ojha, D.Man, PA.No.45945-R of AFIS has not been considered as one vacancy of D'Man lying vacant at HQ MC (U) Nagpur is of pre-2009.

3. The request has been noted and the same may be reconsidered as and when feasible.

Sd/-
Sudha Bhanu D
SO/PC-3
For AOP”

The applicant did not challenge the said order either in the Writ Petition or in the present OA. The only prayer made in this OA is to transfer him to any defence unit.

6. Once the applicant is holding a civil post, subsequent to his retirement in a particular organization, a request of this nature cannot be considered. It is not as if the request made by the applicant was not dealt with at all. A reply was given and the applicant is not able to point out that the reason mentioned therein is not correct. The transfer cannot be

claimed as of right. Much would depend upon the availability of vacancies and the terms of policy evolved by the concerned Organization.



7. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Dsn/akshaya/