



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.1270/2020

This the 28th day of October, 2020

(Through Video Conferencing)

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

S.K. Tewari
Aged 58 years
Working as Superintending Engineer,
Group 'A'
Project Manager (MAP),
Jaipur.

.. Applicant

(By Advocate : Shri Rajiv Manglik)

Versus

1. Union of India
Through Secretary (Defence)
Ministry of Defence,
South Block, New Delhi.
2. The Engineer-in-Chief
E-in-C's Branch
Kashmir House
Integrated HQ of MoD (Army)
DHQ PO, New Delhi-110011.
3. The Director General
DG (Pers)
Kashmir House
Integrated HQ of MoD (Army)
DHQ PO, New Delhi-110011.

.. Respondents

(By Advocate : Shri Ashish Rai)

**ORDER (Oral)****Justice L. Narasimha Reddy:**

The applicant is working as Superintending Engineer in Military Engineering Service (MES). Through an order dated 20.11.2019, he was transferred to an establishment in Siliguri Zone and was required to join by 16.12.2019. He made a representation on 23.12.2019, stating various reasons and taking objection to his transfer. One of them was that he is left with service of 2 years and 11 months, and that he is entitled to be posted in the last leg of service nearer to his native place. On a consideration of the representation of the applicant, the respondents passed order dated 04.09.2020 reiterating the earlier orders and requiring him to join at Siliguri. This O.A. is filed challenging the orders dated 20.11.2019 and 04.09.2020.

2. The applicant contends that he served at various places in the organization for more than 30 years and that he is entitled to be posted nearer to his native place in the last leg of service. He further submits that the



reasons stated by the respondents are not factually correct. Other contentions are also urged.

3. The respondents filed a detailed reply. It is stated that posting of an employee, nearer to the native place in the last leg of service, is not mandatory and much would depend upon the exigencies of service and the places at which the applicant served earlier. It is stated that the posting of the applicant at Siliguri became essential and hence, the impugned order 04.09.2020 was passed.

4. We heard Shri Rajiv Manglik, learned counsel for applicant and Shri Ashish Rai, learned counsel for respondents.

5. The applicant was transferred from PM MAP Jaipur to CE Siliguri Zone on 20.11.2019. At that time, he had nearly three years of left over service. He submitted a representation on 23.12.2019 emphasizing his entitlement to be posted nearer to his native place in the last leg of service. There was no basis for such a request at all since he has almost three years of service by that time. The applicant is a senior officer in the Establishment and his services are required at various



places. The posting of an employee nearer to the native place in the last leg of service is dependent on several conditions and factors. For example, the employee was in or nearer to his native place for a considerable length of service, such a facility cannot be claimed as of right.

6. Another aspect is about the availability of the officers of particular standing, to be posted at various places, and more than all, the need in the department. The occasion to consider the request of the applicant for the last leg posting would arise only when left over service was two years. The respondents stated in their counter affidavit that the case of the applicant was considered by the competent authority and he recommended for the last leg posting. That naturally would take place after verification of the relevant facts. If the applicant has any concern with the Department, he must join at Siliguri to discharge his duties and render service in the department even while placing the claim of last leg posting.

7. We do not find any merit in the O.A. and accordingly, the same is dismissed. We, however, direct that the steps as regards last leg posting of the applicant



shall be taken in accordance with law, as early as possible, subject to the condition that the applicant joins his duties at Siliguri, within three weeks from today.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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