

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 29th day of July, 2020.

HON'BLE JUSTICE MRS. VIJAY LAKSHMI, MEMBER (J).
HON'BLE MR. NAVIN TANDON, MEMBER (A)

Original Application Number. 330/00307/2020.

M. Karunanithi, aged about 43 years, S/o R. Munisamy, presently posted as Subedar Major in the office of Garrison Engineer, East, Mathura, U.P.
.....Applicant.

VER S U S

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief's Branch, Army Head Quarter, Kashmir House, Rajaji Marg, P.O. New Delhi-11.
3. Chief Engineer, H.Q, Southern Western Command, Jaipur, Rajasthan.
4. Chief Engineer, Jaipur Zone, Rajasthan.
5. Officer In Charge Records Office, Bombay Engineering Group and Centre, Kirkee, Pune -3, Maharashtra.
6. Chief Record Officer (CRO), Bombay Engineering Group Records, Kirkee, Pune-3, Maharashtra, PIN- 908796, C/o 56 APO.
7. Commander Works Engineer, Mathura, U.P.
8. Garrison Engineer, East Mathura, U.P.

.....Respondents

Advocates for the applicant : Shri N.P. Singh
Shri Neeraj Singh

Advocate for the Respondents : Shri L.P. Tiwari

ORDER

Delivered by Hon'ble Justice Mrs. Vijay Lakshmi, Member (J).

Heard Shri N.P. Singh, learned counsel for the applicant and Shri L.P. Tiwari, learned counsel for the respondents, who appeared on advance notice, through video conferencing facility.

2. The applicant is aggrieved by the impugned transfer order dated 26.06.2020 whereby he has been transferred from Mathura to Amritsar, before expiry of normal tenure of his posting. Learned counsel for the applicant submits that the applicant is at the verge of his retirement as his retirement is due on 31.08.2022. He had applied for last leg posting as per clause 1490 of transfer policy of the department. However, without giving any adherence to his request and his personal difficulties, which he is facing, the impugned order has been passed by the respondents, totally ignoring the rules of transfer policy. By means of this OA, the applicant has prayed that the impugned transfer order be quashed.

3. Learned counsel for the respondents has vehemently opposed the application. He has prayed for some time to file counter affidavit.

4. At this stage, learned counsel for the applicant submitted that the applicant will be satisfied if the respondent no. 5 is directed to pass a reasoned and speaking order on the letter dated 10.07.2020 addressed to Officer In Charge Records, Records Office, Bombay Engineering Group, Kirkee, Pune (respondent no. 5) (Annexure A-10 of OA) in accordance with relevant rules within a stipulated period.

5. In view of the limited prayer of the learned counsel for the applicant, no purpose will be served in keeping this matter pending and it is finally disposed of at the admission stage itself by giving a direction to the competent authority amongst the respondents to pass a reasoned and speaking order on the representation of the applicant dated 10.07.2020 addressed to respondent no. 5 (Annexure A-10 of OA) within a period of two months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant.

6. It is further directed that for a period of two months or till the order is passed on the representation dated 10.07.2020, the present place of posting of the applicant shall not be disturbed.

7. The OA is disposed of as above. No costs.

8. It is made clear that this Bench has not expressed any opinion on merits of case.

(NAVIN TANDON)
MEMBER– A.

(JUSTICE VIJAY LAKSHMI)
MEMBER - J.

Anand...