

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This the **28th** day of **AUGUST, 2020**.

ORIGINAL APPLICATION NO. 360 OF 2020

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Shrikrishan aged about 48 years, son of Late Siya Ram, Presently working as J.E. (QS&C) Garrison Engineer (I) (P) (Fy) Kalpi Road, Kanpur-09.

.....Applicant.

VERSUS

1. Engineer-in-Chief's Branch Military Engineer Services Directorate General (Personnel) Kashmir House, Rajaji Marg, New Delhi-110011.
2. Head Quarter, Chief Engineer, Central Command, Lucknow.
3. Head Quarter, Chief Engineer (Fy), Hyderabad.
4. Garrison Engineer (I) (P) Fy Kalpi Road, Kanpur-09.

.....Respondents

Advocate for the Applicant : Shri M K Upadhyay
Shri R P Singh
Shri Subhash Chandra Rai

Advocate for the Respondents : Shri L P Tiwari

O R D E R

DELIVERED BY HON'BLE MR. ANAND MATHUR, MEMBER (A)

Shri M.K. Upadyaya, Shri R.P. Singh and Shri Subhash Chandra Rai, Advocates have appeared on behalf of applicant in Court and Shri L.P Tiwari, Advocate has appeared on behalf of all the respondents through video conferencing facility.

2. The instant O.A. is directed against the posting order dated 6.8.2020 passed by the respondents by which the applicant has been transferred from GE (I) (P) Fy Kanpur to Headquarter CE Jabalpur Zone.

3. Learned counsel for the applicant has drawn our attention to Government of India's order issued by Ministry of Housing and Urban Affairs (Works Division) on 11.5.2020, as per which in view of the

extraordinary situation prevailing in the country due to Covid-19 Pandemic, it has been decided that no rotational transfers of officers/officials in different grades (Group A, B & C) be carried out till 30th April 2021.

4. Learned counsel for the applicant has also referred to letter No. 72701/Posting/policy/DGMS-3B dated 20.7.2020 issued by Integrated Headquarter of MOD (Army), Adjutant General's Branch, Director General of Medical Services (Army) 'L' Block, New Delhi. As per this letter no rotational transfers for the year 2020-2021 are to be made. Para 2 of the letter states as under:-

"It is intimated that the pandemic caused by Covid-19 is unrelenting and increasing at an accelerated pace at National level. Hence, it has been decided to defer implementation of the rotation transfer in the current financial year 2020-2021 to next financial year 2021-2022".

5. Learned counsel for the applicant has mentioned that in a similar case filed in this Tribunal in OA No. 330/355/2020, Sanjeev Verma Vs. Military Engineer Services and others, directions have been given for the respondents to file a short counter reply against the prayer for interim relief and operation of impugned transfer orders dated 21.1.2020 and 6.8.2020 have been stayed till the next date of listing.

6. Learned counsel for the applicant has further stated that the name of applicant (Shri Shrikrishan) figures in the impugned transfer order at Sl. No. (l) and the name of Shri Sanjeev Verma is at Sl. No. (g). His contention is that this order dated 6.8.2020 has already been stayed by the Tribunal and the same may be made applicable in the instant O.A. also.

7. On being asked to comment regarding the instructions issued by the Ministry of Housing (ibid) along with Ministry of Defence letter dated

20.8.2020 (ibid), learned counsel for the respondents stated that he would need to get instructions from the department.

8. On hearing both the sides, it has been decided that inasmuch as the name of applicant in this case i.e. Shrikrishan appears in the same order dated 6.8.2020 which has already been stayed in the O.A No. 355/2020 (Sanjeev Verma Vs. Military Engineer Services and others), the same direction is given to the respondents that operation of impugned transfer order dated 6.8.2020 shall remain stayed till the next date of listing.

9. List this case on 21.9.2020.

(ANAND MATHUR)
MEMBER-A

Manish..

(JUSTICE VIJAY LAKSHMI)
MEMBER-J