



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O.A. No.60/1082/2018
M.A. No.60/1197/2019**

Date of decision: 25.2.2020

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A).**

...

EX-JC NO.207661M, Gurpreet Singh Gujral, S/o Sh. Iqbal Singh, age 50 years, working as JE (OS&C) in the office of GE (P), Air Force, Halwara (Punjab).

...APPLICANT

BY: SH. D.R. SHARMA, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Engineering in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Headquarters of MoD (Army), Kashmir House, DHQ PO, New Delhi-110011.
3. Headquarter, Chief Engineer, Western Command, Chandimandir, Panchkula (Haryana)-134107.
4. Garrison Engineer (Project), Air Force, Halwara (Punjab)-141106.

...RESPONDENTS

BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant has challenged order dated 28.8.2018 (Annexure A-14), whereby his representation stands decided pursuant to order of this Court, against him.
2. Heard learned counsel for the parties.
3. The applicant had earlier approached this Court against his posting to high altitude and extreme cold climate area by filing O.A. No.60/921/2014, which was disposed of vide order dated 08.12.2014, directing the respondents to consider his claim in the light of medical report and pass order. Pursuant thereto, respondents have passed impugned order dated 25.8.2018, rejecting his claim.
4. Learned counsel for the applicant argued that while considering case of the applicant, respondents have not considered the same in right perspective and without considering the fact that he has already been declared unfit by Army Hospital (R&R), Delhi Cantt. for posting at High Altitude/Extreme Cold Climate Area, they have rejected his representation by indicating in para no.4 that certificate, which applicant has submitted, is after his transfer order i.e. June, 2017 without looking into the fact that the other certificate is of 2010 (Annexure A-2). He submitted that applicant is not against transfer to any tenure station but he is requesting that in view of the medical condition, he should not be posted at extreme cold area.



5. Learned counsel for the respondents submitted that Srinagar does not fall under category of High Altitude/Extreme Cold Climate Area, as also reflected in impugned order, therefore, his plea cannot be accepted.
6. We have gone through the pleadings and have perused impugned order.
7. Respondents have not considered claim of the applicant in the right perspective and have only considered medical certificate of June, 2017, without considering earlier certificate, which was issued way back in 2010. Considering that Srinagar Station is not high altitude area but it is Extreme Cold Climate Area, respondents are directed to reconsider the claim of the applicant in the light of Medical Certificate issued by Army Hospital (Annexure A-2) that he is not fit to be posted to High Altitude/Extreme Cold Climate Area, therefore, his claim be considered for posting to some other place.
8. M.A. also stands disposed of.

(NAINI JAYASEELAN)
MEMBER (A)

Date: 25.2.2020.
Place: Chandigarh.

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(SANJEEV KAUSHIK)
MEMBER (J)