

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD



OA/020/00244/2020

HYDERABAD, this the 20<sup>th</sup> day of March, 2020.

THE HON'BLE MRS.NAINI JAYASEELAN : ADMINISTRATIVE MEMBER

Sri K.V.GopalRaju S/o P.SN.Raju,  
Aged 53 years, JE (QS & C),(Gr-B),  
Non Gazetted, Military Engineering Services,  
AGE, (i) R&D NSTL, Visakhapatnam, A.P.,

(By Advocate : Mr.Krishna Devan) ...Applicant

Vs.

1. Union of India, Rep by the Director General (Pers), Headquarters, Military Engineering Services, Engineering-in-Chief Branch, Kashmere House, New Delhi.
2. The Chief Engineer, HQ, Southern Command, PUNE – 411001, Maharastra.
3. The Chief Engineer R & D, Military Engineering Services, Picket, Secunderabad-500 003.
4. The Addl. Garrison Engineer (I), R & D, Jodhpur, Rajasthan.
5. The Addl. Garrison Engineer (I), R & D, NSTL, Vizag.

(By Advocate : Mrs.Megha Rani Agarwal, Addl.CGSC )

....Respondents



----  
(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)  
----

This application is filed under section 19 of the Administrative Tribunal's Act, 1985, for the following relief :

“(i) to call for the records relating to the impugned order dt.15-10-2019 and 10-2-20 and consequential movement order dt.22-2-2020 passed by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents and set aside the same by holding that they are passed arbitrarily, illegally, discriminatorily and without application of mind, unjust and unfair, being contrary to the Transfer policy of the 1<sup>st</sup> respondent and 2<sup>nd</sup> respondent and being violation of Article 14, 16 and 21 of the Constitution of India and consequently direct the Respondents to continue the applicant as JE, QS & C in the O/o 5<sup>th</sup> respondent until further orders and pass such or other orders deemed fit and proper in the circumstances of the case.”

2. Heard Mr. Krishna Devan, learned counsel for the applicant and Mrs. Megha Rani Agarwal, learned Addl. Standing Counsel for Respondents.



3. It is the case of the applicant that he has been transferred from Visakhapatnam to Jodhpur vide impugned order dated 15.10.2019 by the Chief Engineer, Southern Command, HQ Pune. Subsequently the applicant made four representations dated 04.11.2019, 11.11.2019, 28.11.2019 and 18.01.2020. While the earlier three representations are not replied, the representation dated 18.01.2020 has been disposed of vide order dated 10.02.2020 wherein it is stated that, 'the applicant was the senior most in the aforesaid units, while considering Surplus / Defi adjustment posting being critical surplus in the stn.,.' Thereafter, Movement Order dated 22.02.2020 was issued wherein the applicant was sought to be relieved without a reliever. As the matter seems to be under consideration internally within the Department, vide order dated 04.03.2020, it is also the contention of the counsel for the applicant that substantive issues raised in his representations have yet not been examined comprehensively, the OA is disposed of at the admission stage without going into merits of the case, directing the Respondents to reconsider and decide the applicant's latest representation dated 18.01.2020 within six weeks from the date of receipt of certified copy of this order by passing a well reasoned speaking order.



4. Needless to add that till the latest representation is reconsidered and decided, the movement order dated 22.02.2020 is kept in abeyance.
5. There shall be no order as to costs.

(NAINI JAYASEELAN)  
ADMINISTRATIVE MEMBER

vi.