

**Through Video Conferencing****CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH  
JABALPUR****Original Application No.200/383/2020**

Jabalpur, this Friday, the 31<sup>st</sup> day of July, 2020

**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER  
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**

Parth Sarthi Sarkar, S/o Shri Late Shri Prabhash Chandra Sarkar, Age – 52 years,  
Post – Govt. Job, R/o 17/2, Type III, Westland, Khamariya, District – Jabalpur  
(M.P.) **-Applicant**

**(By Advocate – Shri Akash Choudhary)**

**V e r s u s**

1. Union of India through its Secretary, Dept of Defence of Defence Production Directorate of Quality Assurance, Ministry of Defence, South Block, Ministry of Defence, New Delhi.
2. The Addl. Director General of Quality Assurance, Dept. of Defence Production (DGQA/Arm-1) Ministry of Defense, Nirman Bhavan, New Delhi.
3. The Commandant QA & Proof, SQAE (A) & LPR, Khamaria, District – Jabalpur (M.P.) **-Respondents**

**(By Advocate – Shri Surendra Pratap Singh)**

**O R D E R**

**By Ramesh Singh Thakur, JM.**

Heard.

2. This Original Application has been filed against the order dated 10.07.2020 (Annexure A-1) qua the applicant, whereby the applicant has





been transferred from SQAE (A) & LPR Khamaria to SQAE (A) Ambajhari, Nagpur, Maharashtra on the ground that the Committee has not properly considered the case of the applicant and have favoured certain persons. Secondly, the applicant is left with less than seven years of service and despite the request of the applicant to accommodate him at the choice place of posting, the respondents have not considered the same.

3. Learned counsel for the applicant submitted that a representation has been made to the respondents on 15.07.2020 (Annexure A-5). But till date, the same has not been decided. He further submits that the applicant will be satisfied if the respondents are directed to decide his representation in a time-bound manner.

4. We have considered the submission made by learned counsel for the applicant and also perused the annexures with the Original Application.

5. Learned counsel for the applicant attracted our attention to Annexure A-2 Transfer Policy dated 20.02.2017. The clause-B of the Transfer Policy, which is regarding 'Transfer on Compassionate grounds', prescribes the manner in which transfer and posting of the employee to be operated. The

applicant has made the application as per the said policy. However, the respondents have not considered the same.

**6.** In view of the above, we are of the opinion that ends of justice would be met if the respondents are directed to consider and decide the representation (Annexure A-5) in a time-bound manner. Accordingly, we direct the competent authority of the respondents to consider and decide Annexure A-5 representation dated 15.07.2020, within a period of 30 days from the date of receipt of a copy of this order. For this purpose, the applicant shall make available the copy of O.A along with this order to the competent authority. Needless to say that the competent authority shall pass the speaking and reasoned order after considering all the contentions raised in the representation. Till such time the representation is decided, the respondents shall not give effect to the transfer of the applicant as per the impugned order (Annexure A-1).

**7.** With these observations, this Original Application is disposed of at the admission stage itself. No costs.

**(Naini Jayaseelan)**  
**Administrative Member**  
am/-

**(Ramesh Singh Thakur)**  
**Judicial Member**