

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00422/2020

Jabalpur, this Thursday, the 27th day of August, 2020

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



Dr. Durga Lal Meena,
S/o Shri Dharu Singh Meena
DOB 06.07.1981

Working as Joint Controller of Defence Accounts
Accounts Office, Ordnance Factory Khamariya
R/o Qr. No.12 Type-V Duplex Sector-I,
Vehicle Factory Estate, Jabalpur (MP) 482009

-Applicant

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Union of India, Through its Secretary
Ministry of Defence (Finance)
139 South Block New Delhi 110001

2. Controller General of Defence Accounts
Ulan Batar Road Palam,
Delhi Cantt., New Delhi 110010

3. Principal Controller & Accounts (Factories)
Admin-I/AN-I, Section) 10-A Shaheed Khudi Ram Bose Road,
Kolkata (WB) 700001

4. Controller of Finance & Accounts (Factories)
Accounts office, Vehicle Factory, Jabalpur (MP) 482009

5. Smt. Bhawani Tripathi Deputy Controller of Defence Accounts
O/o Principal Controller of Defence Accounts (NAVY) Kolaba
Mumbai (Maharashtra)

- Respondents

(By Advocate –**Shri S.P. Singh**)

ORDER (Oral)**By Ramesh Singh Thakur, JM:-**

Heard.



2. This Original Application has been filed by the applicant against the order dated 24.08.2020 (Annexure A/1) whereby the applicant has been transferred from Accounts Office Ordinance Factory Khamariya to the office of the Principal Controller of Defence Accounts (Pension) Allahabad.

3. Precisely the case of the applicant is that the applicant was selected through UPSC for the post of Indian Defence Accounts Services in the month of August 2010. After completion of training, the applicant was posted as Assistant Controller of Defence Accounts in the office of Controller of Defence Accounts Jabalpur on 27.08.2012. Thereafter the applicant was transferred to the office of Integrated Financial Advisor Mhow vide order dated 24.04.2017 (Annexure A/3). The applicant was further transferred to the office of Principal Controller of Accounts (Factories) Kolkata vide order dated 16.10.2018 (Annexure A/4). The applicant was further transferred from the office of Principal Controller of Accounts (Factories) Kolkata to the office of Controller of Finance and Accounts (Factories), Accounts Office Vehicle Factory, Jabalpur on 18.10.2019 (Annexure A/5).

4. The applicant was promoted to the post of Joint Controller of Defence Accounts vide order dated 15.04.2020 (Annexure A/7). Now vide impugned order dated 24.08.2020 (Annexure A/1) the applicant has been transferred from Accounts Office, Ordinance Factory Khamariya to the office of Principal Controller of Defence Accounts (Pension) Allahabad.



5. The main grounds taken by the counsel for the applicant is that the applicant has been frequently transferred and as per transfer policy minimum tenure of two years is prescribed for an office and three years at a station. However, the applicant was not permitted to complete his normal tenure as per transfer policy (Annexure A/9).

6. It has been further submitted by the counsel for the applicant that the applicant has made the representation dated 24.08.2020 (Annexure A/8) but on 25.08.2020 (Annexure A/2) the applicant has been relieved without deciding his representation.

7. The counsel for the respondents submits that it is the prerogative of the employer to post any employee at any place. It has been specifically submitted by the counsel for the respondents that the transfer can be interfered where malafide has been alleged. But in the instant case there is no malafide action on the part of the respondents.

8. We have considered the matter along with the annexures filed in the O.A.

9. It is true that the transfer policy has been framed by the respondents and as per said policy (Annexure A/9) minimum tenure of 2 years has been prescribed for an office and three years at a station. From the facts, as per pleadings, it is clear that the applicant has not been allowed to complete two years of tenure. It is pertinent to mention that on 15.04.2020 (Annexure A/7) the applicant was promoted as Joint Controller of Defence Accounts while remaining at Khamariya.



10. It is submitted by the applicant that the representation of applicant dated 24.08.2020 (Annexure A/8) is still pending before the competent authority of the respondents.

11. At this stage, we are of the view that the representation is still pending and in the interest of justice we direct the respondents to decide the representation dated 24.08.2020 (Annexure A/8) within a period of three weeks after receiving the order of this Tribunal.

12. Needless to say that while deciding the representation the competent authority of the respondents shall pass the reasoned and speaking order on the contention raised by the applicant as per

Annexure A/8. Till then the applicant shall be permitted to work at Khamariya.

13. The applicant shall provide a copy of our order along with a copy of the O.A. to the respondents as early as possible and the respondents shall also consider the contention made in the O.A



14. With these observations, this O.A. is disposed of at the admission stage itself.

(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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