

Through Video Conferencing**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**
JABALPUR**Original Application No.200/523/2020**

Jabalpur, this Friday, the 09th day of October, 2020

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

Kamleshwar Sharan, S/o Shri Jagarnath Prasad, aged about 50 years, Occupation : Assistant Engineer (Quality Assurance), SQAE(A) & LPR, Khamariya, Jabalpur, R/o – H.No.227, Maa Narmade Nagar, Bilhari, Jabalpur (M.P) 482020
-Applicant

(By Advocate – Shri Swapnil Ganguly)

V e r s u s

1. Union of India through its Secretary, Ministry of Defence, Department of Defence Production, South Block, New Delhi 110001.
2. ADGQA(A), Directorate of Quality Assurance (Armts), Nirman Bhawan, New Delhi 110011.
3. Lt. Gen, Directorate General of Quality Assurance, Nirman Bhawan, New Delhi 110011.
4. The Commandant, QA & Proof, SQAE (A) & LPR, Khamariya, Jabalpur (M.P.) 482005
-Respondents

(By Advocate – Shri Surendra Pratap Singh)

O R D E R

By Ramesh Singh Thakur, JM.

The applicant is aggrieved by the order dated 16.09.2020 (Annexure A-1), whereby the representation of the applicant with regard to cancellation of transfer order dated 10.07.2020 has been rejected.



2. The applicant submits that he had opted all three hard station places for posting/transfer for rotational transfer. As per Para 9(c) of the policy dated 24.11.2016 (Annexure A-6), the official opting for hard station are to be considered first. The applicant had opted all three hard stations, i.e. CPE, Itarsi, SQAE(A) Varangaon and SQAE(A) Chanda. However, none of them have been considered by the respondents while passing the order dated 16.09.2020 (Annexure A-1) despite the fact that this Tribunal in Original Application No.200/397/2020 (Annexure A-8), has specifically directed the respondents to stick to their policy dated 24.11.2016 and decide the representation of the applicant within four weeks.

3. We have heard the learned counsel for both the parties.

4. In this Original Application, the main ground for determination is whether the respondent department has decided the representation of the applicant as per our order dated 11.08.2020 in Original Application No.200/397/2020 (Annexure A-8). The relevant para 11 of the order reads as under:

“11. In view of the situation that the representation is pending and as per Annexure A-4 the respondents are duty bound to strict to their policy especially when the applicant has given three options that too for all hard stations we are unable to understand that the person who has given option of



three stations which are hard stations and has not been considered the option.”

5. From the above, it is clear that the respondents were duty bound to stick to their policy especially when the applicant had given three options that too for all hard stations. In such situation, this Court has directed the respondents to consider and decide the representation of the applicant.

6. We have perused the impugned order dated 16.09.2020 (Annexure A-1) and we do not find any substantive discussion regarding our observations made in OA 200/397/2020. This is also one of the ground for challenging the order dated 16.09.2020. Thus, the impugned order is incomplete to that extent. The respondents are directed to reconsider the case of the applicant in view of the option exercised by the applicant, wherein the applicant had opted for all three hard stations, as per policy. Till such time the decision is taken, the applicant shall be allowed to continue at Khamaria.

7. With these observations, this Original Application is disposed of. No costs.

(Naini Jayaseelan)
Administrative Member
am/-

(Ramesh Singh Thakur)
Judicial Member

