

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

OA No. 249/2021

Date of decision : 12.03.2021

**Coram: Dr. Bhagwan Sahai, Member (A)
Ravinder Kaur, Member (J).**

Dinesh Dubey
Aged 57 years, Occ:Service in MES
10-C, Jyesstha Building, Near R C Church
Colaba, Mumbai- 400005.

.. Applicant.

(By Advocate Shri Mukund More).

Versus

1. UNION OF INDIA THROUGH SECRETARY
Ministry of Defence, South Block,
Nirman Bhawan, Chanakyapuri
Delhi- 110 001.
2. ENGINEER-in-CHIEF'S BRANCH
Military Engineer Services,
Directorate General(Personnel),
Rajaji Marg Area, Teen Murti Marg Area
kashmiri House, New Delhi- 110001
3. SR. DDG & CHIEF ENGINEER(DGNP)
Naval Dockyard, Lion Gate,
SBS Road, Lion Gate, Mumbai- 400001
4. CHIEF ENGINEER,
Jabalpur Zone, South Civil Lines,
Pachpedi, Lekhanagar, Jabalpur, MP- 482001

.. Respondents.

Order (Oral)

Per : Ravinder Kaur, Member (J).

Present:

Advocate Shri Mukund More, learned
counsel for the applicant.

2. We have heard Shri More on the
point of admission.

3. The present OA has been filed by the applicant seeking setting aside of the order dated 09.02.2021 (Annex A-2) whereby the present applicant, whose name appears at Sr. No. 28, has been transferred from GE(NW), Navy Nagar to GE MCTE MHOW as AGE(contract). He has been directed to report at the new place of posting on 22.03.2021 vide movement order dated 16.02.2021 (Annex A-3).

4. The applicant has filed a representation dated 19.02.2021 stating that his son is studying in class XII in Army School, Mumbai and has to appear for CBSE Board examination, which has been postponed from March/April 2021 to June/July 2021 due to Covid-19 pandemic. For this reason, his presence is very much necessary at Mumbai to look after his children and so is the requirement for retention of the accommodation. At the same time, he also mentioned in this representation that during 2009-2010, he was posted at MHOW hard tenure as JE and

faced several problems. He is suffering from various ailments and his hometown is Jabalpur. Since he is left with only three years of service, he wants to be posted near that place. His wife has also undergone stomach surgery and is taking treatment at Mumbai. He made specific request for posting at any of the following stations:

1. Jabalpur
2. Jhansi
3. Gwalior or;
4. Amla, Nagpur

He also made request to be retained at the present place of posting upto June/July 2021 till after the exams of his son are over.

5. It is observed that vide order dated 26.02.2021 the applicant is transferred to Jabalpur and at the same time, he was given SOS from the Mumbai Office with effect from 27.02.2021(f/n). The applicant's counsel pleads that the aforesaid order is likely to put him to

great hardships as his son's 12th CBSE examination is to be held during May/June as per the certificate dated 27.02.2021 issued by Principal, Army Public School, Mumbai (Annex A-7).

6. During the arguments, the counsel mentions that the applicant has submitted his representation dated 19.02.2021 which is still pending disposal with the respondents. As such, in these facts and circumstances of the case, we deem it appropriate to direct the respondents to dispose of the aforesaid representation dated 12.02.2021 within three weeks from the date of receipt of certified copy of this order as per the relevant rules and law with reasoned and speaking order and to serve the copy of the order so issued upon the applicant within one week. The operation of the impugned order of transfer is stayed till one week after the date of decision on the applicant's representation if the respondents reject

the representation.

7. With above directions, the OA stands disposed of at the admission stage itself. No orders as to costs.

(Ravinder Kaur)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)