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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 149
T.A. No.

1986.

DATE OF DECISION February 26, 1987.

Shri Tilak Raj, **Petitioner**

Shri G.N.Oberoi, **Advocate for the Petitioner(s)**

Versus

Union of India and others, **Respondents.**


Shri A.K. Gupta, AGE (E&M) R&D, Delhi ~~XXXXXXXXXX~~ **Advocate for the Respondent(s)**

CORAM :


The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to other Benches? No


(Kaushal Kumar)
Member

26.2.1987.


(K. Madhava Reddy)
Chairman

26.2.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 149/86.

Shri Tilak Raj

.....

Applicant.

Versus

Union of India and others

....

Respondents.

CORAM:

Shri Justice K.Madhava Reddy, Chairman.

Shri Kaushal Kumar, Member.

For the applicant

Shri G.N.Oberoi, counsel.

For the respondents ...

Shri A.K. Gupta, AGE(E&M)R&D
Delhi.

(Judgment of the Bench delivered by
Shri Justice K.Madhava Reddy, Chairman).

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant calls in question the order No.31301/BS I/758/EID dated 6.7.1984 issued by the Office of the Chief Engineer, Western Command, Simla, transferring him from GE North Ambala to E-in-C's Branch, Army Headquarters, Delhi. It is the grievance of the applicant that he is due for tenure posting and, therefore, he should have been retained at Ambala and directly sent from there as and when his turn for tenure posting comes and ought not to have been transferred to E-in-C's Branch, Army Headquarters at New Delhi. For this contention, the applicant places reliance upon para 10 of E-in-C's Branch letter No.79040/EIC(I) dated 30th December, 1983, in which the policy for posting on promotion-Selection posts is enunciated. Engineer-in-Chief's letter No.30203/220/EIC, dated 22.11.1974 ~~which~~ is more appropriate since it deals with postings on promotion. The impugned order is not a mere order of transfer and posting; this posting was occasioned on

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account of promotion of several officers. Para 19 of the said letter directs:

"When postings become necessary the longest stayee in the station will be moved. When moves on promotions are involved, the promotee will be moved, if no volunteers are available and not the longest stayee.....".

The applicant has produced a copy of the order dated 6.7.1984 from which it is clear that 3 persons/^{were} posted at Ambala and all 3 moved out of Ambala, and two including the applicant were posted at Delhi, Army Headquarters and the third Shri Baljit Singh was posted in Northern Command. In this situation, the question of "longest stayee" being retained at Ambala with longest or shortest stay does not arise for consideration. Para 10 of the instructions contained in letter dated 30.12.1983 applies to a situation "where promotees within a command are more than the number allocated by the HQ to be adjusted within that particular Command, the surplus promotees will be posted out in other command, if volunteers are not available". There are no surplus promotees at all in the instant case. All promotees from Ambala are posted outside Ambala. Viewed from any angle, the claim of the applicant to be retained at Ambala is not tenable.


It is also further seen that the order posting the applicant from Ambala to E-in-C's Branch was made on 6.7.1984 and this application was filed almost 1½ year after the order of transfer was made, on 14.12.1986.

In compliance of that order, the applicant has moved to Delhi. It will be wholly inappropriate in the circumstances to quash the impugned order ^{at} on this distance of time on any ground of hardship to the applicant more so when it is not shown to be contrary to any specific instructions

governing the transfers and postings.

Before we part with this case, we are constrained to note that in spite of service of notice, the respondents failed to file any counter and place any record before this Tribunal.

For the reasons stated above, the application is dismissed with no order as to costs.


(Kaushal Kumar)
Member
26.2.1987.


(K. Madhava Reddy)
Chairman
26.2.1987.