

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO.2355/2004

New Delhi, this the 19<sup>th</sup> day of November, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Harjit Singh,  
MT Driver, Gr.-II,  
No.8065645, Military Farm,  
Mawana Road, Meerut Cantt.

.... Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India & Ors through :

1. The Secretary,  
Govt. of India,  
Ministry of Defence, South Block,  
New Delhi

2. The Adjutant General,  
Adjutant Branch,  
Army HQ, DHQ.,  
New Delhi

3. The Quarter Master General,  
Quarter Master General Branch,  
Army Head Quarters, New Delhi

4. The Deputy Director General,  
Military Farms,  
Quarter Master General's Branch,  
Army Head Quarters,  
West Block No.3,  
R.K. Puram, New Delhi

5. The Director,  
Military Farm Headquarters,  
Central Command, Lucknow

6. The OIC,  
Military Farm,  
Mawana Road, Meerut

... Respondents

(By Advocate : Shri S.M. Arif)

O R D E R

The applicant has impugned the order of the respondents dated the 18<sup>th</sup> June, 2004 whereby his appeals dated the 10<sup>th</sup> October, 2003 and the 5<sup>th</sup> March, 2004 have been considered, giving the background to the case of the applicant and also the various

considerations which had been kept in view by the appellate authority and the same rejected by the said order. He has prayed that the said order be quashed and set aside and also his transfer order dated 3.10.2003 be also quashed and set aside with directions to the respondents to follow the transfer policy dated 28.8.1998.

2. The facts of the matter, briefly, are that the applicant, who had joined the respondents as MT Driver in the year 1996 and who had subsequently joined at MT Records at Delhi on 9.4.1999 on transfer, was posted to Military Farm, Meerut Cantt on request on compassionate ground in the month of June, 2003. With the relieving of a certain officer, he joined the Military Farm, Meerut Cantt on 1.7.2003. According to him, he should have been allowed to continue at the said organisation for the full tenure of 3 to 4 years as per the transfer policy. Accordingly, he filed OA No.810/2004 before this Tribunal, which was disposed of on the 16<sup>th</sup> April, 2004 with a direction to the respondents to consider and decide the appeal of the applicant as submitted to them on the 10<sup>th</sup> October, 2003 by issuing a reasoned and speaking order. The respondents were also directed to maintain the status quo in regard to the applicant till they had considered and decided the matter, as directed. Accordingly, they considered the appeal of the applicant against the transfer order and the same has been rejected by them, as mentioned above. In support of his argument that the respondents have acted in an arbitrary manner, going against their transfer policy, he has submitted that it was due to some family circumstances/problem that he had requested for his posting to Meerut and which was accepted by the respondents. Accordingly, he had been continuing at the Military Farm, Meerut Cantt since 1.7.2003 before he was further transferred to Military Farm School & Centre, Meerut vide order dated 3.10.2003. He has elaborated the above facts giving relevant dates etc., which need not be reproduced here.

3. The respondents have, however, submitted that the applicant was initially appointed as a Farm Hand on 1.3.1977 at Military Farm, Meerut Cantt and has given details of his postings/transfers in paragraph 1 of their counter. On perusal of the said details, it is observed that he had served at Military Farm, Meerut Cantt as a Farm Hand for over 8 years at the very beginning of his service and again came back after a

short period to the same Farm in the year 1988 and stayed there for about 10 years before he was moved to Military Farms Records, Delhi. And he was back to the same Farm at Meerut Cantt again on 1.7.2003. He was, however, moved from the said Farm to Military Farms School & Training, Meerut Cantt on 24.8.2004 for the reason that the Military Farm was always having 2 MT Drivers against the sanctioned P.E and that he was in excess of the sanctioned strength. The applicant has put in more than 23 years at the Military Farm, Meerut Cantt, according to the respondents. They have affirmed that the applicant was last brought to Meerut Cantt as a measure of compassion and that in any case he is not being transferred out of Meerut. The present transfer involves only change of Institution at the same station, which is hardly at a distance of 7 KMs from the Govt. accommodation provided to him. It also does not involve change of Govt. accommodation. They have asserted that there is no violation of transfer policy and that the appeals submitted by him have been given due consideration taking into account the facts and rules on the subject. They have also reproduced the relevant portions of the transfer policy at page 4 of their counter and have argued that the tenure in respect of an employee is only a guideline and it is subject to being posted earlier or later than the periods specified whenever considered necessary by the competent authority in the interest of the Organisation. The respondents have also given an extract from the transfer policy to show that the total manpower strength entitled to each rank or category on All India basis cannot be exceeded, as has been provided for in the foot note to the PE of Military Farm Establishments. The respondents have also submitted that the tenure requirements in regard to the posting of the applicant have been taken care of in the past, as submitted by them in paragraph 4.2 of the counter. According to them the fact that the applicant had been posted to Dehradun on promotion and that he had been put on temporary duty at Meerut till his tenure of 2 years 5 months at Dehradun was completed has been concealed by him. It was only after 2 years and 5 months of his posting at Dehradun that he was posted at Military Farms Records, Delhi where he completed a tenure of 4 years and 3 months, whereafter he was again posted to Military Farms, Meerut Cantt on compassionate ground on 1.7.2003. The respondents have reiterated the fact time and again that the applicant's

posting to Military Farms School & Centre, Meerut Cantt does not, in any way, involve change of station and also that there is no post at the Military Farms, Meerut Cantt against which he could be retained at the said Farm and hence his posting to the Military Farms School & Centre.

4. I have considered the submissions made on the subject by both the parties and find that the applicant has served at Military Farms, Meerut Cantt for as long as 23 years. It was on compassionate ground that he had been brought to the same Farm again from Military Farms Records, Delhi in July, 2003. Insistence on the part of the applicant to continue at the said Farm in the above background does not appear to be merited. The respondents appear to have given all possible consideration to the case of the applicant and that they have also given due consideration to the appeals submitted by him at the appropriate level. It cannot be ignored that the applicant cannot be continued at the Military Farms, Meerut Cantt in the absence of a post at the said Farm. In any case, the impugned transfer and also the impugned order dated 18.6.2004 rejecting the appeal of the applicant do not affect the applicant materially in the sense that his place of posting remains the same. Asking for the same Institution at the said station, under the above circumstances, cannot be appreciated.

5. Accordingly, I do not find any justification for interfering with the order of the respondents and accordingly the OA is dismissed, with no order as to costs.

  
 (Sarweshwar Jha)  
 Member (A)

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