

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2782/2004

New Delhi, this the 19th day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

K.R.Gupta
S/o Late S.N.Gupta
R/o TP-121, Pitampura
Delhi - 110 088.

...Applicant

(By Advocate Sh. A.K.Trivedi)

V E R S U S

1. Union of India through
Secretary
Ministry of Defence
South Block, New Delhi.
2. The Chief Engineer
HQs Western Command
Chandimandir, Chandigarh.
3. The Garrison Engineer (North)
Air Force Palam, Delhi Cantt-110 010.
4. The Garrison Engineer (South)
Air Force Palam, Delhi Cantt- 110 010.

...Respondents

O R D E R (ORAL)

Heard. Learned counsel for the applicant has submitted that the applicant is due to retire on superannuation on 28-2-2005. He has, in the meantime, been transferred from one office to another at Palam vide orders of the respondents dated 11-9-2004 (Annexure A-1). While there is no change in the place of posting in the case of the applicant, there is change in office and which, according to the learned counsel, will cause unnecessary inconvenience and hardship in the matter of finalization of his pension papers. He has also referred to the decision of this Tribunal in OA 2928/2003 on 4-12-2003 in which, placing reliance on the decision of the Hon'ble Supreme Court in the case of **UOI v. S.L.Abbas** (1993 (2) SLR 585), directions have been given to the respondents to dispose of the representation of the applicant in the said case by passing a speaking and detailed order within a certain period. It has directed in the said OA that the transfer of the applicant in the said case shall not be given effect to.

[Handwritten signature]

2. It is observed that in the present case also, the applicant has submitted a representation to the respondents on 8-11-2004 which is still pending consideration. It is also observed that a letter has been written by the Headquarters, Commander Works Engineer (AF) Palam, Delhi Cantt on 26-10-2004 to the HQ, Chief Engineer (AF) WAC, Palam making a request to the latter that 'the CE WC, Chandi Mandir may please be approached to post additional JE (E/M) or issue suitable change in the posting order so that at least one JE (E/M) is made available to this office at the earliest.' The said letter has been written in the context of the applicant's transfer as referred to above; no reply to the said letter appears to have been received by the Headquarters, Commander Works Engineer (AF). It is thus observed that the matter is still pending decision in the two offices. It, therefore, appears quite reasonable that the respondents be directed on the same lines as has been done by this Tribunal in OA 2928/2003 vide its order dated 4-12-2003. It has to be kept in mind that the applicant is due to retire on superannuation in February, 2005 and any dislocation in his office at this point of time would certainly cause inconvenience to him and to the office concerned in the matter of finalisation of his pension. There are also orders to the effect that transfers in the case of employees should be avoided when they are due to retire on superannuation.

3. Under these circumstances, this OA is disposed of at the admission stage itself with directions to the respondents to consider the representation of the applicant as is pending with them and to dispose it of by passing a speaking and reasoned order within a period of one month from the date of receipt of a copy of this order keeping in view the decision of the Hon'ble Supreme Court on the subject as referred to hereinabove. They are also directed not to operate the transfer order dated 11-9-2004 (Annexure A-1) till the matter has been considered and disposed of by them as directed above. To facilitate the disposal of the matter, it is also directed that this OA may be treated as a supplementary representation of the applicant and considered along with his representation already pending with them and disposed of in the above manner. Issue **DASTI.**


(Sarweshwar Jha)
Member (A)