

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A.No.1738/93

Date of decision: 26.8.1993

Shri Prabh Dayal Khurana

Vs. Union of India & Ors.

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Hon'ble Shri C.J. Roy, Member (J)

For the applicant: Shri D.C. Vohra, Counsel

JUDGEMENT (Oral) (Single Bench)

The applicant is working as Office Superintendent in the Army Headquarters. Vide order dated 16th March, 1992, he is transferred from peace to tenure station at Bhatinda. It is alleged by the applicant's counsel as well as stated by the applicant in his application that the respondents have not given any movement order till today and that the respondents themselves have kept his transfer in abeyance 3 times, vide orders dated 8.5.92, 30.5.92 and 27.11.92 till January, 1993. Since the movement order is not given to him, he claims to be still working in Delhi. Against the transfer order, he made several representations, the latest one being dated 30.12.92, but the same is yet to be disposed of by the respondents. The learned counsel for the applicant states across the Bar that the applicant is willing to obey the order of transfer, in case his representation is disposed of. The ld. counsel for the applicant also says that the applicant is beyond 50 years of age and therefore can not be posted to a tenure posting as per transfer policy guidelines.

2. He has drawn my attention to the transfer policy guidelines available at Annexure A to the application, where it is stated that "subordinates above 50 years of age will not be posted to snow-bound areas and tenure stations where the tenure is 2 years. The age of such postings will be considered as on date of issue of posting by HQ Command".

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3. The learned counsel for the applicant further agrees that the case could be closed by way of a direction and that after the disposal of his representation whatever is ordered by the respondents, the applicant is ready to obey the same. I, therefore, consider it desirable to dispose of this case by giving a direction.

4. Since this is a case of transfer and the representation is still pending, and no movement order as claimed by the applicant is served upon him, the respondents are directed to dispose of the representation as early as possible but not exceeding one month from the date of receipt of this judgement by them. During the period of consideration of his representation, the respondents may not issue any movement order to the applicant till the disposal of his representation.

The DA is thus disposed of with no order as to costs.

C. J. Roy
(C. J. ROY)
Member (J)
26.8.93