

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 2428 of 1993

New Delhi, this the 7th day of April, 1994.

Hon'ble Mr B.N.Dhondiyal, Member(A)

Mr Sunil K. Aggarwal,
AEE, MES,
O/O The Chief Engineer,
Delhi Zone, Delhi Cantt. Applicant.

(in person)

versus

1. The Engineer in Chief, AHQ
DHQ, P.O. New Delhi 110011.
2. The Secretary to the GOI
Ministry of Defence,
DHQ P.O. New Delhi-110011. Respondents.
(through Mr J.C.Madan, Advocate).
proxy counsel of P.H.Ramchandani.

ORDER (ORAL)

The applicant was working as AEE, MES in the Office of the Chief Engineer, Delhi Zone. ^{He} is aggrieved by the transfer order dated 17.5.1993, whereby he was transferred to Shillong. The only ground claiming relief is that the impugned order has been issued by the Engineer-in-Chief, who is not the appointing authority of the applicant. His appointing authority is the Ministry of Defence and according to the applicant only the Ministry of Defence is competent to transfer him. In the Schedule of delegation made under F.R.-6, it is stated at Sr. No. 6-A that the power to transfer a government servant from one post to another is delegated to all the Headquarters.

2. It has already been held by the Supreme Court that transfer is an incidence of service and in case of transfer, any representation that the government officer has to make should be after the

7

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

RA No: 251 of 1994.

in

OA 2428 of 1993.

New Delhi, this the 11th day of August, 1994.

Hon'ble Mr B.N.Dhoundiyal, Member(A).

Shri Sunil K. Aggarwal, O/O the Chief Engineer
Delhi Zone, Delhi Cant. Applicant/petitioner

vs.

1. The Engineer in Chief, AHQ,
DHQ PO ND-II.
2. The Secretary to the Govt. of India,
Ministry of Defence, DHQ, ND-II.
..... Respondents.

ORDER (by circulation)

(delivered by Hon'ble Mr B.N.Dhoundiyal, Member(A))

This RA has been filed by the applicant
in O.A.No.2428 of 1993, requesting for recall of
the judgment of this Tribunal dated 7.4.1984.

2. One of the grounds taken by the applicant
is that his case should have been considered by the
Division Bench and not by a Single Member Bench.
The judgment was dictated in open Court in the
presence of applicant and no objection was raised
by him. Under orders dated December 18, 1991
of the Hon'ble Chairman, transfer matters have to be dealt
with by a single-member Bench. Any request for
referring the matter to a Division Bench should
be made by the parties at the begining of the proceedings.
This argument is, therefore, not tenable. The
other contention of the applicant is that as he
belongs to MES Class-I, only the President can issue
any appointment order in his case. He also contends
that the Army Headquarter is not the head of Department.
It is an accepted fact that the Engineer-in-Chief is the

Bw.