

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 25th Day of May, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

ORIGINAL APPLICATION NO. 28 OF 2001 (U)

V.K. Yadav,  
s/o Shri D.S. Yadav,  
aged about 49 years,  
r/o 8-A, New Road,  
Dehradun- 248 001

Presently serving as  
Upper Division Clerk (UDC),  
in the office of the  
Commander Works Engineer,  
Dehradun.

. . . . . Applicant

(By Advocate: Sri A.K.Dave )

Versus

1. Union of India through Secretary,  
Ministry of Defence, New Delhi.
2. Engineer-in-Chief,  
Army Headquarters,  
D.H.Q. Post Office,  
Kashmir House, New Delhi.
3. Chief Engineer,  
Central Command,  
Lucknow.
4. Chief Engineer,  
Bareilly Zone,  
Sarvatra Bhavan,  
Bareilly Cantt.,  
Bareilly.

. . . Respondents

(By Advocate: Sri R.C.Joshi )

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(ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant is working as Upper Division Clerk (UDC) in the office of the Chief Engineer, Bareilly Zone, (Respondent No.4.) By means of this O.A., the applicant seeks a direction for quashing of the impugned order dated 25.4.2001 (Annexure No.A-1). By the said order, the representation submitted by the applicant to the Secretary, Ministry of Defence, through proper channel requesting for deletion of his hard tenure posting has been rejected, as per communication received by the applicant, vide letter No.1015/5227/EIC (I) dated 12th December, 2000 of Headquarters, C.W.E Dehradun, intimating him that his representation was examined at appropriate level at the Army Headquarters.

The grievance of the applicant is that his representation dated <sup>22.3.2001</sup> 27.3.2001 was not forwarded to the Secretary, Ministry of Defence, New Delhi and the same has been rejected at the Headquarters of C.W.E. on the ground that since his earlier representation has already been rejected by the Army Hqrs., C.W.D., Dehradun, the transfer order of the applicant should be implemented or if the applicant had an option to proceed on retirement on medical invalidation or to accept lower post, which would not require outstation posting, he should be asked to do so.

Corrected vide  
order dated  
10.8.2001  
Rn  
10/8/2001

2. It has been contended by the learned counsel for the applicant that the applicant is entitled to file a Review/Representation before the Government

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through Secretary, Ministry of Defence, New Delhi, because he has exhausted all means of securing attention of redress from Chief Engineer as well as Engineer-in-Chief, Army Hqrs., New Delhi. Therefore, it was not proper on <sup>the</sup> part of the respondents not to forward the representation of the applicant for onward transmission to the Secretary, Ministry of Defence, New Delhi.

3. Having heard parties' counsels, the O.A. is disposed of at the admission stage with a direction to the Chief Engineer, Central Command, Lucknow, Respondent No.3 to forward the representation dated <sup>22.3.2001 R</sup> 27.3.2001 submitted by the applicant to the Engineer-in-Chief, Army Headquarters, for onward transmission to the Secretary, Ministry of Defence New Delhi for consideration and passing appropriate orders expeditiously. In the meantime, it is provided that the impugned order dated 25.4.2001 shall be kept in abeyance till the aforesaid representation submitted by the applicant is finally decided. No order as to costs.

*Rafiq Uddin*  
( RAFIQ UDDIN )  
JUDICIAL MEMBER

Nath/

Corrected  
w/ order of  
10.8.2001  
R  
10/8/2001