

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. 644 OF 2001

Jai Bhagwan Sharma,
aged about 52 years,
son of late BS Sharma,
r/o House No.1/1, Defence Civilian
Accommodation (Military Engineer Services Enclave)
Near Sadar Bazar, Bareilly Cantt, Bareilly.

..... Applicant

(By Advocate: Sri Saumitra Singh)

Versus

1. The Union of India through its Secretary, Ministry of Defence, Government of India, South Block, Army Headquarter, New Delhi.
2. Engineer-in- Chief, Army Headquarter, Kashmir House, Rajaji Marg, New Delhi-110011.
3. Chief Engineer, Central Command, Lucknow-2.
4. Chief Engineer, Bareilly Zone, Bareilly Cantt, Bareilly.

..... Respondents

(By Advocate: Sri R.C. Joshi)

O R D E R (ORAL)

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

The applicant, who is posted as Additional Chief Engineer in the office of the Chief Engineer, Bareilly Zone, Bareilly, has been transferred by the impugned order dated 30th March, 2001 to Shillong.

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The applicant has approached this Tribunal for quashing of the transfer order, mainly on the ground that he is being transferred to 'Hard Tenure Station'. The applicant has already served at Shillong from April, 1976 to July, 1978, whereas as per provisions contained in Appendix 9 (I)(i) to F. R. S. R. General Rules (Part-I), read with Career Planning and Posting Policy, Military Engineer Services for the Civilian Officers dated 17.9.99, the tenure at 'Hard stations' generally ~~be~~⁵ 2 to 3 years only. It is also being brought to my notice by the learned counsel for the applicant that the representation submitted by the applicant to the Engineer-in-Chief, Army Headquarters dated 3.4.2001 is still pending for consideration and for appropriate orders. It is also strongly recommended for the stay of transfer of the applicant at Bareilly.

2. Since the competent authority has yet to consider the representation of the applicant for his retention at Bareilly, it is desirable that the direction may be issued to the concerned authorities to consider and pass appropriate orders on the representation of the applicant expeditiously. The learned counsel for the applicant also submitted that the applicant may be given an opportunity to file fresh representation along with additional materials to justify his retention at Bareilly to the competent authority.

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3. The O.A. is accordingly disposed of with a direction to the applicant to submit a fresh representation within 15 days before the Engineer-in-Chief, Army Headquarters, New Delhi, Respondent No.2, who will consider and pass appropriate orders expeditiously. It is, however, provided that till any order is passed on the representation of the applicant, the impugned transfer order dated 30.3.2001 shall not be given effect, if the same has not yet been complied with by the applicant ~~the date~~ No order as to costs.

Rafiq Uddin
(RAFIQ UDDIN)
JUDICIAL MEMBER

Nath/