

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF JUNE, 2001

Original Application No. 670 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Braham Swaroop Saxena,  
S/o Sri Ram Bharosey Lal Saxena  
U/62, Shastri Nagar, P.O.Izat Nagar  
District Bareilly.

...Applicant

(By Adv: Shri R.C.Pathak)

Versus

1. Union of India through the Defence Secretary, Ministry of Defence, Govt. of India, South Block, new Delhi
2. The Engineer-in-Chief, branch Engineer-in-Chief Branch,AHQ Kashmir House, Rajaji Marg, New Delhi.
3. Chief Engineer, Central Command Lucknow.
4. Chief Engineer, Bareilly Zone, Bareilly
5. Garrison Engineer(Work) Jabalpur.

...Respondents

(BY Adv: Shri V.B.Mishra)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to implement the posting / transfer of the applicant under order dated 18.7.1998(Annexure A2). It has also been prayed that the respondents may be directed to issue the order of movement so that applicant may join under Chief Engineer Bareilly Zone, Bareilly. Presently, the applicant is serving under Executive Engineer/Garrison Engineer(W) Jabalpur. The applicant has also

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challenged the legality of the order dated 26.3.2001 and 9.4.2000 filed as (Annexure A-1 & A3). The applicant has lastly claimed that respondents may be directed to implement the <sup>policy for</sup> ~~order~~ posting/transfer contained in the order dated 31.8.1994.

We have carefully considered the submission of the counsel for the applicant. However it appears that the order of transfer dated 18.7.1998 was cancelled by order dated 14.1.2000 as admitted by the applicant in his application dated 6.12.2000. The order of cancellation has not been challenged in this ~~order~~ <sup>OA</sup>. In the circumstances it is difficult to grant relief no.1 by which implementation of a non-existent order has been claimed. Copy of the order dated 14.1.2000 has not even been filed in this OA.

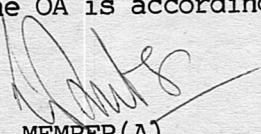
The second relief claimed by the applicant is against order dated 26.3.2001 by which applicant has been advised to pay the outstanding amounts due from him in connection with the items mentioned <sup>in</sup> 1, 2 & 3. He has also been advised to join duty and explaining his absence. We do not find any ground to quash this letter. It is still open to applicant to appear before the respondents and challenge the amount claimed from him in connection with several items. As the alternative course is still open to the applicant, we do not find it fit to interfere at this stage.

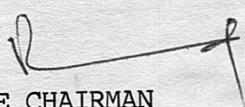
The third challenge is against the order dated 31.8.1994. The order contains a policy decision for transfer of employees in group 'C' and 'D' of MES. The applicant has himself prayed for implementation of this policy. We are not able to understand how the quashing of this order has been claimed.

For the reasons stated above we do not find any merit in

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this OA, the OA is accordingly dismissed. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Dated: 4.6.2001

Uv/