

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated : This the 15-5 day of Aug 2005.

Original Application No. 957 of 2004

Hon'ble Mr. K.B.S. Rajan, Member (J)

P.L. Nigam, S/o Sri S. Nigam,  
R/o 117/Q/556 Indrapuri, Sharada Nagar,  
KANPUR.

... Applicant

By Adv : Sri R. Verma

**VERSUS**

1. Union of India through Secretary,  
Ministry of Defence, South Block,  
NEW DELHI.
2. The Engineer-in-Chief, E-IN-C's Branch,  
Army Headquarter, Kashmiri House, DHQ PO,  
NEW DELHI.
3. The Chief Engineer,  
Central Command, Lucknow Zone,  
LUCKNOW-2
4. The Commander Works Engineer,  
KANPUR CANTT.
5. Sri Rakesh Verma, EE,  
Garrison Engineer, Military Engineering Service,  
KANPUR CANTT.

... Respondents

By Adv : Sri S. Singh

**ORDER**

By K.B.S. Rajan, JM

The matter being short, legal point involved straight, minimal facts are sufficient to decide the case.

Applicant has challenged the order dated 23-08-1004 whereby he has been transferred from G.E. Kanpur to G.E. Jabalpur, without replacement and he has been singled out, contends the applicant in that whereas in all the other cases sufficient time was made available for

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relieving, in his case, he was issued with a relieving order on 26-08-2004 itself. Again, it has been contended by the applicant that his children being students of an educational institution at Kanpur, transfer amidst the academic session is against the spirit of the E-in-C's directives contained in order dated 16-04-2003.

On 20<sup>th</sup> September, 2004, by an interim order, the respondents were directed to continue the applicant at G.E. Kanpur itself. This order was further continued on each date of further hearing.

The case was finally heard and the documents peruses. The prayer as contained in para 8(ii) of the Application is "to issue a writ, order or direction in the nature of mandamus directing the respondent No. 3 and **to retain and permit the petitioner to work at present place of posting at least till the end of the current academic session.**"

As the interim order has already taken care of the above prayer, this application is disposed of with the observation that the respondent may now consider transfer of the applicant to any of the places of choice as declared by the applicant or in any other vacancy if there is no vacancy at the place of choice. It is however, left to the discretion of the respondent to post the applicant to any other place than the choice station even if vacancy exists, subject to the condition that the respondents should justify as to why the request of the applicant to posting at the place of choice could not be acceded to. Further, as at the time of the argument the applicant has prayed for an observation to the effect that the respondents be advised to consider his representation relating to pay during some part of the inter-regnum period, it is fairly hoped that the respondents would render justice in this regard by considering the same.

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With the above direction, the OA is disposed of, with no order as to  
cost.



MEMBER (J)