

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 08th day of June, 2021

Original Application No. 330/00352/2021

(U/S 19, Administrative Tribunal Act, 1985)

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member- (Judicial)

Hon'ble Mr. Devendra Chaudhry, Member-(Administrative)

1. Deepak Kumar Shukla S/o Shri Triveni Prasad Shukla, presently posted MSG/139 Messenger in COD Chheoki Allahabad, aged about 40 years, Resident of House No. 226 Triveni Nagar, Naini Prayagraj, Uttar Pradesh – 211009.
2. Ram Chandra Gupta son of Purushottam Prasad Gupta, presently posted P. No. 6967270 O/S in COD Chheoki Allahabad, aged about 52 years, Resident of House No. ED-161 A.D.A. Colony, Naini Prayagraj, Uttar Pradesh – 211008.
3. Bharat Kumar Gupta S/o Shri Raghunath Prasad, presently posted P .No. 6969376 SMA in COD Chheoki Allahabad, aged about 43 years, R/o Village-Pahalu Ka Pura, Jari Prayagraj, Uttar Pradesh – 212106.
4. Raj Shekhar Singh S/o Shri Ram Akabai Singh presently posted P. No. 6969247 SMA in COD Chheoki Allahabad, aged about 40 years, R/o House No. 718, 141B/5A, Om Gaytri Nagar Teliyarganj Prayagraj, Uttar Pradesh – 211004.
5. Ajeet Kumar Rai S/o Shri Indrasan Rai presently posted P. No. 6969249 SMA in COD Chheoki Allahabad, aged about 52 years, R/o Village – Dewa, Railway Station, Dullahpur, Uttar Pradesh – 275202.
6. A.K. Nished presently posted P. No. 6971248 MA in COD Chhheoki Allahabad, aged about 45 years, R/o VillageUttar Pradesh.
7. Raj Kumar Upadhyay, S/o Shri Rama Shankar Upadhyay presently posted P. No. 6967575 O/S in COD Chheoki Allahabad, aged about 46 years, R/o House No. 386/B/3, New Bairhana, Prayagraj, Uttar Pradesh – 211003
8. Awadhesh Kumar, S/o Shri Shobhnath presently posted P. No. MSG/140 Messenger in COD Chheoki Allahabad, aged about 40 years, Resident of Village-Chak Rana Tiwari Chaka Karchhana, Prayagraj, Uttar Pradesh – 211008.
9. Vivek Tiwari, S/o Shri Sheo Murti Tiwari Presently posted P. No. 6969268 SMA in COD Chheoki Allahabad, aged about 39

years, Resident of House No. MIC 20 Stainely Road, Near Kamla Nagar, Prayagraj, Uttar Pradesh – 211002.

10. Chandra Shekhar Singh Yadav, S/o Shri Ram Sajiwan Yadav presently posted P. No. 6969246 SMA in COD Chheoki Allahabad, aged about 43 years, Resident of House No. 114/27 Jawahar Nagar Kazipur Naini, Prayagnaj, Uttar Pradesh 211008.
11. Jayant Kumar Gain, S/o Shri Rabindra Nath Gain presently posted P. No. 6969271 SMA in COD Chheoki Allahabad, aged about 42 years, Resident of House No. 681 Triveni Road Kydganj Masjid, Prayagraj, Uttar Pradesh – 211008.

.....Applicants

By Advocate: Shri A.K. Singh.

Versus

1. Union of India through Officer in Command Records AOC, Records, C/o 56 A.P.O. – Pin 900453
2. Commandant, Central Ordnance Depot (e.U.D.) Chheoki, Allahabad – 900479, C/o 56 A.P.O.
3. Commandant Ordnance Depot Fort Allahabad – 908778, C/o 56 A.P.O.

-----Respondents

By Advocate: Shri Sri Prakash Rai.

ORDER

Delivered by Hon'ble Mrs. Justice Vijay Lakshmi, Member-J :

We have joined this Division Bench online through video conferencing.

2. Heard Shri A.K. Singh, learned counsel for the applicants and Shri Sri Prakash Rai, learned counsel for the respondents, both of whom are present online.

3. Learned counsel for the applicants has submitted that as per the guidelines dated 06.10.2020, of the respondents' department, the applicants should have been transferred within

a radius of 50 kms. from their present place of posting, whereas in this case the applicants have been transferred far away. It is also submitted that the vacancies are available at OD Fort, Allahabad but the applicants have been transferred to Jabalpur, Kanpur etc. without keeping in view the guidelines/ transfer policy.

4. Learned counsel for the applicants submitted that although a joint representation dated 31.03.2021 (Annexure-A-4, page 74) is already pending before the respondents on which no order has been passed till today, however, the applicants will be satisfied at this stage, if they are permitted to move a fresh detailed joint representation annexing the relevant rules/circulars of the concerned department, before the competent authority and the competent authority may be directed to decide the same within a stipulated period.

5. Learned counsel for the applicants has also prayed that in the meantime, till the disposal of their fresh representation, the competent authority amongst the respondents may be directed not to relieve the applicants in pursuance of impugned transfer order dated 23.03.2021.

6. Learned counsel for the respondents has opposed the aforesaid prayer.

7. In view of the limited prayer made by learned counsel for the applicants and considering the fact that a joint representation dated 31.03.2021 is already pending consideration before the respondents, it appears that no useful purpose will be served in keeping this matter pending. Accordingly, the OA is disposed of finally at admission stage with the following directions to the parties:-

- (i) The applicants shall move a fresh and detailed representation annexing all the relevant rules and guidelines within a period of 15 days from today before the competent authority in the respondents' department;
- (ii) The competent authority shall decide the same by passing a reasoned and speaking order keeping in view all the relevant rules, guidelines and vacancies available at OD Fort, Allahabad within a period of four weeks from the date of receiving the representation along with a certified copy of this order.
- (iii) The order so passed, shall be communicated to the applicants without any delay.

8. If the applicants move fresh representation, as directed by this Tribunal, within the time prescribed, they will not be relieved from their present place of posting in pursuance of impugned transfer order dated 23.03.2021, till the disposal of their representation.

9. It is made clear that we have not expressed any opinion on the merits of the case.

10. No order as to costs.

11. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during video conferencing.

(Devendra Chaudhry)
Member(Administrative)

(Justice Vijay Lakshmi)
Member(Judicial)

/MM/