

Open Court

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

Allahabad, this the 25th day of June, 2021

Original Application No. 330/00389/2021
(U/S 19, Administrative Tribunal Act, 1985)

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member- (Judicial)
Hon'ble Mr. Devendra Chaudhry, Member-(Administrative)

1. Laxmi Narayan, aged about 47 Years, S/o Late Ram Jiyawan, R/o Village Nayapura Baswar, Post Dandupur, District Prayagraj.
Presently posted as Mate, at COD, Chheoki, Naini, Prayagraj.
2. J.P. Bhartiya, aged about 45 Years, S/o Late Uttam Prasad.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
3. Raj Laxmi Jaiswal, aged about 42 Years, W/o Shri Raj Kumar Jaiswal.
Presently posted as SMA, at COD, Chheoki, Naini, Prayagraj.
4. N.K. Tripathi, aged about 54 Years, S/o Daya Shankar Tripathi.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
5. B.K. Vishwakarma, aged about 45 Years, S/o Late Chandī Lal.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
6. Kuldeep Singh, aged about 55 Years, S/o Late Devendra Bahadur Singh.

Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.

7. Santosh Kumar Singh, aged about 51 Years, S/o Late R.K. Singh.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
8. Shaik Mohd. Kamal, aged about 45 Years, S/o S.M. Iqbal.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
9. Raj Mohan Gautam, aged about 56 Years, S/o Late Ram Dular.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
10. Jamshed, aged about 54 Years, S/o Manjoor Shah.
Presently posted as Mali, at COD, Chheoki, Naini, Prayagraj.
11. Raj Narayan, aged about 57 Years, S/o Late Arjun.
Presently posted as Messenger, at COD, Chheoki, Naini, Prayagraj.
12. Keshav Kumar, aged about 40 Years, S/o Late Sukhlal.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
13. Rajesh Kumar, aged about 48 Years, S/o Jawaharlal.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
14. Siddh Nath Tiwari, aged about 56 Years, S/o Late Amarnath Tiwari.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
15. Ram Chandra, aged about 56 Years, S/o Late Nanhe Lal.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.

16. Mrityunjay Singh, aged about 36 Years, S/o Sri Jay Pratap Singh.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
17. Shiv Raj Singh, aged about 49 Years, S/o Late Raghuraj Singh.
Presently posted as OS, at COD, Chheoki, Naini, Prayagraj.
18. Shashi Bhushan Rai, aged about 58 Years, S/o Sankatha Prasad Rai.
Presently posted as SOA(Clk), at COD, Chheoki, Naini, Prayagraj.
19. Jaipan Singh, aged about 58 Years, S/o Srdawan Singh.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
20. Mohd. Shamsheer Alam, aged about 36 Years, S/o Shafik Ahmad.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
21. Ram Prakash Singh, aged about 54 Years, S/o Ram Pratap Singh.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj
22. Ranjeet Kumar Mukherjee, aged about 42 Years, S/o Late R.K. Singh.
Presently posted as SMA, at COD, Chheoki, Naini, Prayagraj.
23. Ram Babu, aged about 44 Years, S/o Lala.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.
24. Sunder Lal, aged about 44 Years, S/o Chote Lal.
Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.

25. Vinod Kumar, aged about 28 Years, S/o Late Muneshwar. Presently posted as Trainee, at COD, Chheoki, Naini, Prayagraj.
26. Om Prakash, aged about 46 Years, P. No. 23523311 Presently posted as Tradesman Mate, at COD, Chheoki, Naini, Prayagraj.

Applicants.

By Advocates: Shri L.M. Singh
Shri M.K. Yadav

Vs.

1. Union of India, through the Secretary, Ministry of Defence, Department of Production, South Block, New Delhi.
2. Director General of Ordnance Services, Master General of Ordnance Branch, Integrated HQ of MoD (Army), Sena Bhawan, New Delhi.
3. Officer-in-Charge Record, A.O.C. (Army Ordnance Corps) Records, Secundrabad, Pin.900453.
C/o 56 APO.
4. The Commandant, Central Ordnance Depot (COD), Chheoki), Naini, Prayagraj. Pin. 900479.
C/o 56 APO.
5. The Commandant, Ordnance Depot (OD), Fort, Prayagraj. Pin. 908778.
C/o 56 APO

-----Respondents

By Advocate: Shri Charkapani Vatsyayan

ORDER

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

We have joined this Division Bench online through video conferencing.

2. Heard Shri L.M. Singh, and Shri M.K. Yadav, learned counsels for the applicants and Shri Chakrapani Vatsyayan, learned counsel for the respondents, all of whom are present in court.

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 02.05.2021 (Annexure-A-10, page 101-104) 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 respondents may be directed not to relieve the applicants in pursuance of impugned transfer order dated 23.03.2021.

6. Our attention has been drawn to Annexure no.11 of the instant OA, which is the copy of judgment dated 8 June 2021, passed in OA no.352/21. It has been prayed that as the case of the present applicants is similar to the case in aforesaid OA, similar order may be passed.

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

8. In view of the limited prayer made by learned counsel for the applicants and considering the fact that a joint representation dated 02.05.2021 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.

9. 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.

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

11. No order as to costs.

12. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during virtual hearing.

(Devendra Chaudhry)
Member(Administrative)

(Justice Vijay Lakshmi)
Member(Judicial)

/MM/