

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00111/2021

DATED THIS THE 03RD DAY OF FEBRUARY, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Shri M.T. Annappa,
S/o Shri Thimme Gowda,
Aged about 57 years,
Junior Engineer (E and M),
GE, Maintenance (AF)
Military Engineering Services (MES),
Jalahalli, Bangalore – 13
And residing at No. 7,
3rd Cross, Veeranna Palya, behind
Kingston High School,
Opp: Nagavara Lake,
Arabic College Post,
Bangalore 560 045

....Applicant

(By Advocate Shri M. Subramanya Bhat)

Vs.

1. Union of India,
Through its Secretary,
Ministry of Defence,
Central Secretariat,
New Delhi 110 001

2. The Chief Engineer,
Head Quarters (AF)
MES, No. 2, DC Area, MES Road,
Yashwantapura Post,
Bangalore 22

3. Superintending Engineer
And Director (Pers & Legal)
MES, No. 2, DC area, MES Road,
Yashwantapura Post,
Bangalore 22

4. Commander Works Engineer (AF-South)
 Military Engineering Services,
 Gangamma Circle, 40 AF Station,
 Bangalore – 13.

.....Respondents

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- a) *Issue a writ of certiorari or any other appropriate writ or order quashing the Local Turnover Posting order bearing No. 122035/AF/LTO-2020/126/E1B(S) dated 17.12.2021 passed by the 2nd respondent, produced at Annexure-A6, as the same is violative of Articles 14, of the Constitution of India, besides being violative of the LTO transfer guidelines.*
- b) *Issue a writ of mandamus or any other appropriate order or direction, directing the respondents to retain the applicant in the post of Junior Engineer (E and M), GE, Maintenance (AF) Military Engineering Services (MES), Jalahalli, Bangalore-13, during the pendency of the application in the interest of justice.*

2. At the very outset, learned counsel for the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 21.09.2020 (Annexure A5) before the respondents, which was followed by another representation dated 21.12.2020 (Annexure A7). The grievance of the applicant is that the respondents have failed to take any decision on those representations.

3. Learned counsel submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representations within a timeframe.

4. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

5. Accordingly, the Original Application is disposed of with a direction to Chief Engineer, Head Quarters (AF), MES, No. 2, DC area, MES Road, Yashwantapura, Bangalore to decide the applicant's pending representations dated 21.09.2020 and 21.12.2020 and pass a reasoned and speaking order in accordance with the policy guidelines prevalent in the respondent department. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of 21 days from the date of receipt of a certified copy of this order.

6. The OA stands disposed of in the above terms.

7. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/