



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/1096/2021

DATED THIS THE 23rd DAY OF SEPTEMBER, 2021

CORAM:

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

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh).

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

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore).

Payara Lal, aged about 48 years, No. 6407448, son of Shri Mansu Ram, Civilian Chowkidar / Camp Guard, resident of H.No. 684/C, Sector 46A, Chandigarh and employed as Civilian Chowkidar, 497(i) Comp PI ASC C/o 56 APO at Chandigarh.

....Applicant

(By Advocate Sh. Ranbir Singh – through video conference)

Vs.

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. O/C Records through Senior Record Officer, ASC Records (South) PIN-900493, C/O 56 APO.
3. HQ Northern Command (ST), PIN-908545, C/O 56 APO.
4. Dte Gen of Sup & Tpt (ST-12), Quartermaster General's Branch, Integrated HQ of MOD (Army) PIN-900256.
5. HQ Northern Command (ST), PIN 908545 C/O 56 APO.
6. Officer Commanding, 497 (1), Comp PI ASC C/o 56 APO PIN 908497.

.....Respondents



O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

1. Aggrieved by an order dated 27.07.2021 vide which the applicant has been transferred from 497 (I) Comp PI ASC to 343 (I) Sup PI ASC, the applicant has filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.
2. Sh. Ranbir Singh, learned counsel for the applicant submitted that in terms of a clarification issued by the Directorate General of Sup & Tpt Quartermaster General's Branch, Army Headquarters, New Delhi vide letter dated 16.12.2005, the Civilian Chowkidars and labourers are required to be left behind to provide the services to the replacing unit.
3. Learned counsel further submitted that before filing the present Original Application, the applicant submitted a representation dated 07.09.2021 making therein a request to respondents to cancel his order of transfer. The said representation is still pending consideration with the respondents. The applicant is yet to be relieved from his present place of posting and his rights will be seriously jeopardized if he is relieved without taking a view on his representation.
4. It is the contention of learned counsel for the applicant that the applicant has a right to have considered his representation.
5. In view of the facts and circumstances of the case in hand, we, however, deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case, by way of issuance of directions to respondents to decide the applicant's pending representation dated 07.09.2021.



6. Accordingly, the Original Application is disposed of with a direction to Director General of Sup & Tpt, Quartermaster General's Branch, Army Headquarters, New Delhi to decide the applicant's pending representation dated 07.09.2021 and pass a reasoned and speaking order in accordance with law.
7. Let the necessary orders be issued within a period of 3 weeks from the date of receipt of a certified copy of this order.
8. So long as the applicant's representation remains pending with the respondents, he shall not be displaced from his present place of posting.
9. Ordered accordingly. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

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