

Item No.5



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.892/2021

This the 26th day of April, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Dr. Nandita Chatterjee, Member (A)**

Sh. Pushpendra Kumar Bachchan
S/o Shri Bibhuti Sharan Mandal
Aged about years
R/o MC-08, MES Colony, Air Force, Subroto Park
Delhi Cantt. And working as JE(Civil)
Group B Non Gazetted post under GE E/M RR Hosp
Delhi Cantt-10.

...Applicant

(By Advocate: Sh. S.S. Tiwari)

Versus

1. Union of India
Through its Secretary
Ministry of Defence
South Block, New Delhi.
 2. Engineer-in-Chief Branch
Director General (Pers)
MES, Kashmir House, Rajaji Marg
New Delhi-11.
 3. HQ, Chief Engineer Western Command
c/o 56APO, PIN: 908543.
 4. HQ, Chief Engineer
Delhi Zone, Delhi Cantt-10.
 5. HQ CWE New Delhi
Rao Tula Ram Marg
New Delhi-10.
- Respondents

(By Advocate: Sh. G.S. Virk)

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ORDER (Oral)**Justice L. Narasimha Reddy:**

The applicant joined the Military Engineering Service (MES) in the year 2010. He worked in the Stations at Delhi upto 2017, and he was transferred to Khumbathang, in the North East in December, 2017. After he served there for two years, he was transferred once again to Delhi Cantonment, in the year 2019. Certain local arrangements were made within Delhi.

2. The Chief Engineer Delhi Zone passed an order dated 17.02.2021, posting and transferring quite large number of officials of different categories in the MES. The applicant was shifted from one place to another place within Delhi. He made a representation on 24.02.2021, expressing his difficulties. That was rejected through an order dated 06.04.2021. This OA is filed challenging the order dated 17.02.2021, in so far as it relates to the applicant and the order of rejection dated 16.04.2021.

3. The applicant contends that though the transfer is within Delhi, the frequent shifting would result in a situation where the APAR is not properly maintained and that in turn would affect his promotional avenues.

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4. We heard Shri S.S. Tiwari, learned counsel for the applicant and Shri G.S. Virk, learned counsel for the respondents, at the stage of admission.

5. Except that the applicant worked at a different place outside Delhi, for a period of two years, his entire career is in Delhi. Through the impugned order, the officers of, as many as 10 categories, are transferred or posted. The shifting of the applicant is from R & R hospital to a hospital in South Delhi. In a way, it is from one place to another place from Delhi. The principal ground urged by the applicant is about the difficulty in maintaining the APARs. That is the look out of the respondents and there exists a well defined procedure for maintenance of the APARs. The applicant cannot be said to have been transferred at all. It is just an internal and local arrangement.

6. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

rk/ns/dsn