

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...
O.A. No. 1855 of 1994

Dated: 22.12.1994

Sukh Lal son of late Shri Gulu,
R/o Village and Post Office Hansari
Gwal Toli, Jhansi Presently posted as
U.D.C. in the office of the
Garrison Engineer, Jhansi Applicant.

(By Advocate Sri M.K. Upadhyay)

Versus

1. Union of India through Secretary,
Ministry of Defence, South Block
New Delhi.
2. Chief Engineer, Central Command,
Lucknow.
3. Chief Engineer, Jabalpur Zone,
Jabalpur.
4. Commandar Works Engineer, Jhansi
Cantt. Jhansi.
5. Garrison Engineer, Jhansi. ... Respondents.

...
Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. J.S. Dhaliwal, J.M.

ORDER

(By Hon. Mr. S. Das Gupta, Member (A))

Heard the learned counsel for the applicant.

This application has been filed under Sec.
19 of the Administrative Tribunals Act, 1985 for
issue of a direction to the respondents for
quashing the impugned order of transfer dated
31.5.1994 and 6.12.1994 (Annexure A 1 & A 2).

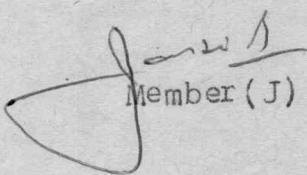
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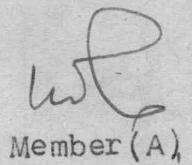
2. The applicant in this case is working as U.D.C. in the office of the respondent no.5. By the impugned order dated 31.5.1994, he was transferred from Jhansi to Pithoragarh. He filed an application in this Tribunal challenging the ^{said} order and the same was disposed of by judgment and order dated 27.10.1994. Although, it was held that the transfer cannot be challenged successfully since there was no violation of statutory Rules nor was any malafide pleaded, the respondents were directed to consider the representations submitted by the applicant against the transfer and ~~it~~ take a decision on the same on merit. The order of transfer was to remain stayed till the disposal of the representation.

3. It appears that the respondents have since considered the representation and rejected the same by the order dated 26.11.1994. Thereafter, ^{u. movement} the order has been issued on 6.12.1994 (Annexure-A2). The applicant in the present application has again challenged the earlier order of transfer dated 31.5.1994 and also the movement order dated 6.12.1994 which has now been issued. The order of transfer was earlier challenged in O.A. No. 1543 of 1994. It was already held by the Tribunal in that case that the order of transfer cannot be challenged successfully, the same cannot, therefore, again be challenged in a fresh O.A. since the

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matter is barred by res-judicata. We have found that in the Tribunals' direction that the representation of the applicant be considered on merit and disposed of by a reasons order, has fully been complied with by issuing of the order dated 26.11.1994. Nothing further remains in the matter. As such, the case is totally devoid of merits and the same is dismissed in-limine.


Member (J)


Member (A)

N.U.