

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad This The 03 Day Of May 2000  
Original Application No. 27 of 1999

CORAM:

Hon'ble Mr. S. Biswas, A.M.

Suresh Chandra Sharma  
son of late Sri Badal Kishore Sharma,  
1/2 Madhu Nagar, District Agra. ....Applicant.  
(By Adv: Sri Ajay Rajendra)

Vs.

1- The Union Of India  
through its Secretary Ministry of  
Defence, North Block, New Delhi-110011.

2- The Engineer-in-chief Army Head Quarter  
Engineer-in-chief Branch D.H.Q.  
P.O. New Delhi- 11 00 11.

3- The commander Works Engineers  
112, Taj Road, Agra Cantt.

4- The Garrison Engineer (East)  
Military Engineering Services,  
Agra. ....Respondents

(By Adv: Sri S. Mandhyam)

O R D E R

1- The applicant has contested the transfer order dated 4-1-99 transferring him from G.E. (Estt). Agra to G.E. (Air Force), Kheria on promoting. The applicant had earlier filed an O.A. 1256/98 seeking a remedy for promotion. It is alleged that since this O.A. 1256/98 annoyed the respondent No. 3, that consequent to his promotion, the applicant has been transferred from the jurisdiction of G.E. (Estt) to G.E. (Air Force). Therefore, it is prayed that the order of transfer dated 4-1-99 should be set aside and as there are three vacancies for Highly Skilled Grade II in G.E. (Estt), the applicant should be accommodated under the G.E. (Estt) itself.

2- The counsel for the applicant further mentioned that the applicant is industrial worker and regulated now personnel transfer on promotion dated 31 August 1994 (Annexure IV of S.A.):

"Staff on promotion be adjusted in the same station (not necessarily in the same unite) provided vacancies are available. However, if no vacancies are available in the same station, the promotions be adusted in one of the three choice stations as far possible."

3- According to the applicant's counsel, the seniority of the applicant would be disturbed by the posting him to the jurisdiction on G.E. (F), Kheria. I have heard the parties. The undisputed facts are that the paymuster both the place is one.

(3)

4- According to the respondents counsel neither the seniority nor the status of the applicant is affected as the distance between these places hardly about 8 Kms. There is no change of station. Even the accommodation provided to the incumbent will not be disturbed by this transfer. This is a notional transfer in the same station.

5- Besides, the applicant has already joined at the new charge with effect from 25-5-99. In the circumstances in my view, nothing of the O.A. survives and the O.A. has become infructuous on merits. Accordingly, the O.A. is dismissed.

6- No costs.

S. B.  
A.M.

A.A./