

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.445 of 1999

Allahabad this the 25th day of October, 1999

Hon'ble Mr. S.K.I. Naqvi, Member [J.]

Damodar Prasad, son of Late Masuriya Din, resident of 197, Krishna Nagar, Kydganj, Allahabad.

Applicant.

By Advocate Shri Ram Chandra
Shri J.C. Joshi

Versus

1. The Director General of Ordnance Service (O.S. - S.D.) Master General of Ordnance Branch, Army Headquarter, DHQ, P.O. New Delhi-110011.
2. The Major General AOC, Headquarter, Central Command, Lucknow- 226002.
3. The Commandant, Ordnance Department Fort, Allahabad-211005.
4. The Union of India through Secretary Defence, Ministry of Defence, Sena Bhawan, New Delhi.
5. Sri K.K. Gupta, OOC(S) Ordnance Department, Avadi(Chennai).

Respondents

By Advocate Shri Satish Mandhyan

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Q U E E N (Oral)

By Hon'ble Mr. S.K.I. Naqvi, J.M.

Shri Damodar Prasad - Ordnance Officer Civilian Stores (GOCS) has moved this C.A. with the prayer that the order dated 06.2.99, transferring the applicant, order dated 09.4.99 through which the transfer order was communicated and order dated 15.4.99 by which the applicant was to be relieved on 01.5.1999, be quashed.

2. Vide impugned transfer order, the applicant has been transferred from Ordnance Depot, Allahabad to Ordnance Depot, Avadi on the same post. This transfer order has been challenged mainly on the compassionate ground that the applicant has already completed 57 years of age and only 3 years remain for his superannuation and also that the applicant is physically unfit to move and stand, his wife is also a suspected case of cancer and that his daughter is suffering from Hyperlenis and bleeding problem on the nose. The other ground taken by the applicant is that he has been transferred only to accommodate one Shri R.K. Gupta and the transfer order is illegal, without jurisdiction and in the nature of punishment.

3. The respondents have contested the case and file the counter-affidavit and thereafter rejoinder and supplementaries were also exchanged.

4. Heard, Shri Ram Chandra, learned counsel

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for the applicant and Shri Satish Mandhyan, learned counsel for the respondents and also perused the record.

5. The compassionate ground of personal illness and illness of dependant family members is a ground which may be considered by the authorities in the department and no ~~such direction~~ ^{interference} is feasible from any judicial authority. Moreover, the representation on these grounds, has already been considered and rejected by the reasoned, ^{Speaking} detailed order.

6. So far as the grounds of arbitrariness to accommodate Shri N.K. Gupta is concerned, this ground remains no more valid in view of subsequent development regarding ^{changed} service condition of said Shri Gupta which has been brought on record through supplementary pleadings and now Shri N.K. Gupta who is said to be the person for whose accommodation, the applicant is being transferred, remains no more in this race.

7. There is nothing on the pleadings or in the documents filed to show that there was any malice, malafide or ill-will against the applicant under which he has been ordered to be transferred.

8. Under the above circumstances, I do not find it a fit case to interfere in the impugned

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orders for which the relief has been sought for. However, it is provided that after complying with the transfer order and joining at the station to which he is transferred, the applicant may submit a representation to the authority in the department who may consider the same and dispose of within four weeks from the date of communication, after a sympathetic consideration to accommodate the applicant. The O.A. is disposed of accordingly. The interim order dated 23.4.99 is hereby vacated. No order as to costs.

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Member (J)

/ M. M. /