

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 16th day of May, 2001

Original Application No. 649 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

N.K. Vohra, S/o Sri Balraj Vohra,
R/o 1279 'Y' Block, Kidwai, Nagar,
Kanpur.

(Sri H.P. Mishra, Advocate)

. Applicant

Versus

1. Union of India through Ministry of Defence,
New Delhi.
2. Chief Engineer, M.E.S. Lucknow Zone,
Lucknow.
3. C.W.E. (Commander Works Engineer),
Kanpur Nagar.
4. Commander Works Engineer (Air Force),
Chakeri, Kanpur Nagar.
5. Engineers-in-Chief,
Army Headquarters,
Kashmir House, New Delhi.

(Sri Manoj Kumar, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant has come up with the request that the impugned communication letter dated 13-2-1999 and the letter dated 12-4-1999 by which the Board has assembled on 20-5-1999 be quashed and respondents be directed not to give effect to the communication of letter dated 13-2-1999 and 12-4-1999. A direction for the guideline has also been sought for uniform policy ^{on} cut off date of

See Lr

LTO on all India basis prior to conducting any LTO in India.

2. As per the applicant's case the impugned letter (Annexure-A-1 to the OA) dated 13-2-1999 has been issued fixing cut off date of LTO 31st May of each year. This has been issued by the authority which is not competent to issue the same. Annexure-A-2 is the notice convening meeting of Board of Officers to examine the list of Commander Works Engineer, Kanpur and Commander Works Engineer (Air Force), Chakeri, Kanpur and scrutinise the list of recommended local turn over based on their past post/job. The applicant has also objection regarding ~~objection regarding~~ competence of the authority who has issued it.

3. The respondents have contested the case and filed counter reply with the specific mention that the impugned letters have been issued in accordance with the direction from the Headquarters vide Annexure-A-3 dated 25-2-1991 and in accordance with this guideline these communications were issued by the competent authority.

4. Heard learned counsel for the parties and perused the record.

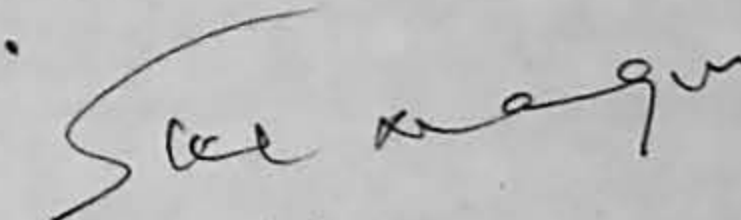
5. It is found that the applicant has stepped much ahead of his position and crossed the limits of conduct expected of him by impugning the orders which till at this stage were not concerned with the applicant. Learned counsel for the applicant has vehemently argued that by issue of this letter the applicant could be affected subsequently and, therefore, he found it proper to agitate at the stage when the same could be used against him. I find myself unable to agree with this contention. In case the applicant could be affected of these orders, he could challenge the same ^{when} without any cause of action accrued to him. The pleadings and the submissions from the side of the applicant indicate that he has brought this OA in general interest

San

of the cadre. In other words, it is like public interest litigation which cannot be entertained in service Tribunals.

6. The applicant has also ^{sought} ~~ask~~ for a direction to the respondents establishment to formulate guidelines in respect of turn over in respect of transfers uniformly applicable all over India. The learned counsel for the respondents mentions that there is already a guideline in this regard published and it is not disputed from the side of the applicant, a copy of which is Annexure-A-3 in the OA No.707/2000. I do not find there is any good reason to direct for framing any fresh guideline in this regard. So far as the uniformity is concerned, I do not think it is possible in service ^{spread} ~~spirits~~ all over India including sensitive areas and, therefore, the policy including the cut off date could be according to the local conditions of zones and areas.

7. For the above, the OA is dismissed with no order as to costs.


Member (J)

Dube/