

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 20th day of December 2000.

Original Application No. 1394 of 2000.

Hon'ble Mr. S.K. I. Naqvi, Judicial Member

No. 4248727 Ex. Hav/Clk (of Army),
Benkatesh Pandey, LDC,
(re-employed as Civilian Clerk in PRO)
S/o Late Govind Pandey,
Office of PRO,
Ministry of Defence, 2 R.A. Lines,
New Cantt. Allahabad.

... Applicant

C/A Shri Ashok Kumar

Versus

1. Union of India, through Secretary,
Ministry of Defence, New Delhi.
2. Army Headquarter,
Adit General Branch,
Through OIC Legal Cell (Army)
Sub Area, Allahabad.
3. Director General, Public Relations,
Ministry of Defence, New Delhi.
4. GOC M.P., B & O Area,
Through Headquarter Allahabad Sub Area,
Allahabad.
5. Sqn Ldr R.K. Singh, Public Relation Officer,
Ministry of Defence, 2 R.A. Lines, New Cantt.
Allahabad.

C/R Shri Manoj Kumar

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... Respondents

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Nagvi, Member-J.

Shri B. Pandey, the applicant is an Army Man/ was ^{who} and given re-employment as L.D.C. in the Office of P.R.O. after having served at Danapur Bihar and Lucknow, He was transferred to Allahabad in 1994 on compassionate ground. During the tenure of his service at Allahabad, there was some discontent and bickering in the staff aga-inst Sqn.Ldr. R.K. Singh (respondent no. 5) for which a departmental complaint was preferred which was inquired by respondent no.

3. The applicant apprehends that because of that complaint he was transferred and posted at Chennai vide order dated 17.11.99 but because of intervention it was kept in abeyance. Now another posting order has been ^{issued} received on 14.11.2000 for his transfer and posting to Chennai against which he come up before the Tribunal with specific mention that he suffered from paralysis for which he moved the authority in the department to accomodate him at Allahabad. As per mention by learned counsel for the applicant that the matter is still pending at Allahabad Headquarter (Respt no. 2), Now the relief has been sought that the respondents may be directed to investigate and dispose of the appeal of the applicant dated 17.11.2000, copy of which has been annexed as annexure 8 to the OA and also to quash the posting order dated 17.11.2000 (Corrected at the time of submission as dated 14.11.2000).

2. The respondents have ^{contested} ~~interested~~ the case [&] filed CA

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with the mention that the transfer is an exigency of service and the applicant rushed to the Court without exhausting the departmental remedy which was available to him.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. As per applicant's case he is suffering from paralysis and, therefore, not in a position to move in accordance with his transfer/posting order for which he has already made representation to the authority concerned and the decision thereon is yet to be taken. It is not in dispute that no other person has been transferred to take over the post held by the applicant at Allahabad nor any new incumbent has taken over as such.

5. Keeping in view the facts and circumstances of the matter, the OA is decided with the order that the pending representation of the applicant, copy of which has been filed as enclosure to annexure 8, be decided by the competent authority within 15 days from the date of communication movement of copy of this order and in the meantime the impugned ~~moment~~ order shall remain in abeyance. No cost.

6. Copy of this order be given to learned counsel for the respondents today, if possible.

S. C. M. J.
Member-J

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