

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 16th day of May, 2001-

Original Application No.707 of 2000.

CORAM :-

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

Sri NK Vohra, S/o Sri Balraj Vohra,

R/o 1279 "Y" Block, Kidwai Nagar,

Kanpur.

(Sri H.P. Pandey, Advocate)

.Applicant

Versus

1. Union of Indidia through Secretary Ministry
of Defence, New Delhi.

2. Chief Engineer, M.E.S.

Lucknow Zone, Lucknow.

3. C.W.E. (Commander Works Engineer) MES,
Kanpur Nagar.

4. Commander Works Engineer (Air Force),
Chakeri, Kanpur Nagar.

(SR.C. Joshi, Advocate)

.Respondents

O R D E R (O_r_a_l)

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

The applicant has come up impugning the letter dated 30-6-2000 mainly on the ground of jurisdiction and competence of the officer who has issued the same.

2. The respondents have contested the case and filed counter reply.

3. Heard counsel for the parties and perused the record.

4. First of all it is found expedient to reproduce the impugned letter dated 30-6-2000 as under :-

See

"RM DTO 231149

SRL NO 2350 64/65

FROM : CWE LUCKNOW ZONE

TO : CWE KANPUR

INFOR : CWED (AF) CHAKERI, KANPUR

UNCLAS (,) 0 7759 (.)

LOCAL TURN OVER KANPUR COMPLEX (.) REF CECC LETTER NO
901250/3/555/EIC (I) APRIL 29(29) (.) ENSURE LTO KANPUR
COMPLEX COMPLETED BEFORE JUN 30"

5. A bare perusal of the above contents goes to indicate that it is a message from Chief Engineer, Lucknow Zone addressed to Commander Works Engineer, Kanpur ^{and endorsed} with information to Commander Works Engineer (Air Force), Chakeri, Kanpur ^{as bell} with the request to ensure LTO Kanpur Complex completed before June 30th. This message is sought to have been transmitted through the signals ^{means} of communication, which is generally in short telegraphic language to save time and to keep the mode of communication not overloaded and, therefore, it cannot be said that it is an order from the Chief Engineer, Lucknow Zone or he has passed on this information on being so ^{required} replied by the authority. This is not in dispute that the decision regarding LTO Complex (Local Turn Over) comes within the power of highest departmental authority at the station and, therefore, the applicant ^{should} ~~could~~ not have been so sensitive to be aggrieved ^{of} at this message, apprehending some thing bad for himself. The over excited conduct of the official also indicates that he is satisfied that he comes within the zone of consideration for transfer and he does not wish to leave district Kanpur where he is continuing since 1977. It is not in dispute that till now this impugned communication has not been acted upon and in no way it adversely affected the applicant and thereby no cause of action accrued to knock at ^{door} ~~door~~ of service Tribunal.

Sc

6. For the above, the OA is dismissed being devoid of merit. There shall be no order as to costs.

A handwritten signature in dark ink, appearing to read 'J. J. J.', is written above the printed name 'Member (J)'. The signature is stylized with a large initial 'J' and a trailing flourish.

Member (J)

Dube/