

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 13th day of September, 2002.

Original Application No. 1043 of 2002.

Hon'ble Mrs. Meera Chhibber, Member- J.

Bhagwati Prasad Shukla S/o Late Ram Narain Shukla
R/o Parivartan Flat No. 8, Maharishi Dayanand Marg,
Opposite St. Anthony Convent Girls Inter College,
Allahabad.

.....Applicant

Counsel for the applicant :- Sri Vinod Kumar

V E R S U S

1. Union of India through the Secretary,
M/o Defence, New Delhi.
2. Deputy Director General, Military Farms,
QMG's Branch, Army Headquarters, R.K. Puram,
New Delhi.
3. Director, Military Farms, Headquarters Central
Command, Lucknow.
4. Officer Incharge, Military Farms, Allahabad.

.....Respondents

Counsel for the respondents :- Sri Rajeev Sharma

O R D E R (Oral)

(By Hon'ble Mrs. Meera Chhibber, Member- J.)

By filing this OA, the applicant has challenged
order
the movement/dated 07.09.2002 (annexure-I) whereby the
applicant B.P. Shukla, Assistant of the farm was
directed to proceed on temporary duty to Headquarter CC
(Farms), Lucknow in connection with official duty.

2. The grievance of the applicant is that in the
impugned order dated 07.09.2002 neither any detail has
been given as to what temporary duty has been assigned
to him nor any period has been mentioned as to what
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period he is being sent on temporary duty whereas in the earlier orders whenever he was detailed for temporary duty, it was mentioned in the movement order the purpose for which he is being detailed and ^{if he made clear that} on completion of said temporary duty, the individual will report back to his parent unit. The apprehension of the applicant is that since no period has been specified in this movement order, the respondents might keep him out-side Allahabad for indefinite period in the garb of ^{to be P} temporary movement order which cannot be said ^{to be P} transfer in real sense but would keep him away from his place of posting for indefinite period. It is submitted by the applicant that while he was posted at Kolkata he had requested for being posted at Allahabad. Since this was his last tenure and he is due to retire in December 2003, Therefore, once his request was acceded to and he has been posted at Allahabad, he should not be allowed to run from one place to another without specific order being passed. The applicant has also submitted that he ^{to be P} is taking treatment at Allahabad, therefore, he prayed for quashing the movement order dated 07.09.2002 (Annexure- I).

3. The OA is opposed by the respondents and the learned counsel for the respondents has produced the original documents to show that the applicant has already received a sum of Rs. 6000/- in respect of TA/DA for temporary duty from Military Farm, Allahabad to HQ,CC, Lucknow and back to Allahabad on 07.09.2002. He has also shown a signal by which the officer at Lucknow had requested that Sri B.P. Shukla ~~to~~ be sent to Lucknow on temporary duty forthwith. This indeed is a complimentary ^R ^{then he} for the applicant as his senior officer has requested ~~him~~ to be sent for temporary duty. Therefore, no illegality or arbitrariness can be attributed to the movement order

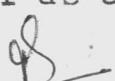


having been issued by the respondents. However, there is one aspect on which I find some force i.e. with regard to the period for which the applicant ~~was~~ ^{is} being sent on temporary duty. However, the learned counsel for the respondents has made specific statement that there are instructions issued by the department that wherever a person is being sent on temporary duty, the outer limit for such time is not to exceed 90 days at a stretch. Therefore, he has submitted that such order is not a transfer order but the applicant is being sent only for temporary duty and he would automatically come back to the same place i.e. Military Farm, Allahabad after completion of temporary work assigned to the applicant or this can be even before the period of 90 days.

4. Since a specific statement has been made by the learned counsel for the respondents, the apprehension of the applicant is misconceived and he should be sure that after the temporary work is completed, he would be ~~sent~~ ^{in view of} ~~called~~ back to the same place from where he is being sent on temporary duty. Since the respondents have given the statement, there is no need to interfere in the matter.

5. The O.A is disposed of finally ~~on~~ ^{in view of} the statement made by the learned counsel for the respondents that the applicant would be retained at the same place from where he has been sent on temporary duty ~~after the temporary duty~~ ^{of}

6. There will be no order as to costs.


Member- J.

/Anand/