

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 672 OF 2003
ALLAHABAD THIS THE 7TH DAY OF AUGUST, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MRS. MEERA CHIBBER, MEMBER-J

Sunil Kumar Sharma,
Son of Late Shyam Mohan Sharma,
SMQ-77/5 (Trishul View),
Air Force Station,
Bareilly.

.....Applicant

(By Advocate Shri Rupesh Srivastava)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
Head Quarter, Air HQ (VB),
New Delhi.
2. The AOC-In-C,
HQ CAC, IAF, Banrauli,
Allahabad.
3. Air Officer Commanding,
Air Force Station,
Bareilly.
4. Agn Ldr. Yogesh Bagga,
(ADM), HQ, Air Force Station,
Bareilly.

.....Respondents

(By Advocate Shri R.C. Joshi)

O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has prayed for the following
reliefs:-



"i) to issue a suitable order or direction directing the respondents to pay the salary of the petitioner since January, 2003 and continue to pay the same as and when falls due;

ii) to issue a suitable order or direction directing the respondents to pass the transfer order, if any, in writing instead of orally directing the applicant for transfer.


iii) to issue any other such order or direction which may deem fit and proper under the circumstances of the case.

iv) Award costs to the applicant."

2. The applicant was appointed in the respondents establishment as Lower Division Clerk on 01.01.1987. He was posted to Civil Admin Section on 24.05.2000. The grievance of the applicant is that he has been ordered verbally to work in the Main Guard Room, which as per applicant is a transfer and no written order has been given in this regard. The ground taken by the applicant is that such a transfer is against the transfer policy dated 24.5.2000. Another grievance of the applicant is that the respondent no.4 is not permitting the applicant to sign the attendance register since 24.11.2002 though he continued to be working on the same seat. The applicant moved an application on 10.02.2003 against his illegal internal transfer. However, his representation has been rejected by respondent no.4.

3. Aggrieved by the action of the respondent no.4 the applicant had filed a representation before respondent no.2 i.e. AOC-In-C, Headquarter Central Air Command, Indian Airforce, Allahabad on 25.03.2003 which is pending decision.

4. The prayer of the applicant is that a direction be issued to the respondents to release the salary from January 2003 till date because he is working on the same seat though he is not being allowed to sign the attendance register.



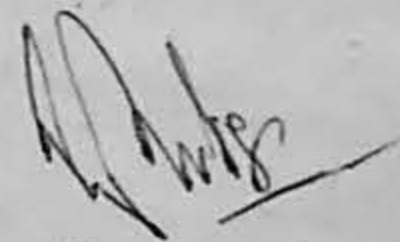
5. In our considered opinion, an act of indiscipline is not to be condoned in any defence establishment. It is expected of an employee to carry out orders given to him rather than insisting on the written orders which is not feasible in day today administration. However, in our opinion, the ends of justice shall better be served if the representation of the applicant dated 25.03.2003 is decided by respondent no.2 i.e. AOC-In-C, HQ CAC within specified time by a reasoned and speaking order. Since in the representation dated 25.03.2003 the applicant has raised the issue of payment of salary, we hope that the respondent no.2 shall pass specific order in this regard.

6. The O.A. is finally disposed of at the admission stage itself with direction to respondent no.2 i.e., AOC-In-C, HQ CAC, IAF, to decide the representation of the applicant dated 25.03.2003 by a reasoned and speaking order within one month from the date of communication of this order.

7. There shall be no order as to costs.



Member-J



Member-A

/Neelam/