

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 30th day of July, 2003.

Original Application No. 846 of 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.
Hon'ble Mr. D.R. Tewari, Member - A.

S.S. Sisodia S/o Sri Raghbir Singh Sisodia
a/a 57 years. R/o Military Farm, Allahabad.

.....Applicant

Counsel for the applicant :- Sri K.P. Singh

V E R S U S

1. Union of India through Secretary, M/o Defence, New Delhi.
2. The Secretary, M/o Defence, New Delhi.
3. Quarter Master General, Q.M.G's Branch, Army Headquarter, New Delhi- 110011.
4. Col. A.K. Vaid, Director (Coord) Q.M.G, Q.M.G's Branch, AHQ, New Delhi- 110011.
5. The Deputy Director General, Military Farm, QMG's Branch, Army Headquarter, West Block,-III, R.K. Puram, New Delhi.
6. The Officer Incharge, Military Farm, Allahabad.

.....Respondents

Counsel for the respondents :- Km. Sadhna Srivastava

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

The grievance of the applicant is that this Tribunals gave the direction while passing the order dated 02.06.2003 in O.A No. 48/2003 to consider the claim of the applicant for posting in Military Farm other than Western Command, Chandimandir. The judgment of Hon'ble Supreme Court was also quoted that the transfer should



generally a lateral and not vertical movement within the employee's organization. The grievance is that though the representation has been decided by order dt. 10.07.2003 but there is no indication in the order that the aforesaid observations in the judgment have been taken in-to account and the prayer of the applicant has been considered.

2. Km. Sadhna Srivastava, learned counsel for the respondents on the other hand has submitted that the applicant has approached this Tribunal by procuring a copy of the order dt. 10.07.2003 on his own and the official copy of the order dt. 10.07.2003 has not yet been served on him. It is also submitted that the reasons could be communicated to the applicant by serving the copy of the order. Learned counsel for the applicant on the other hand submitted that the respondents may be directed for fresh consideration of the case of applicant so that the delay may be avoided and the applicant may join in Military Farm as per the direction of the authorities.

3. We have carefully considered the submissions of counsel for the parties. Without looking to the counter of the respondents it is difficult to say that the observation direction in the order dated 02.06.2003 has not been complied with. However, considering the case of the applicant that delay may be avoided, in our opinion, interest of justice shall better be served if the applicant is given liberty to file the fresh representation before the Quarter Master General, O.M.G's Branch, Army Headquareter, New Delhi (respondent No. 3). The representation shall be confined to posting as Farm Officer in Military Farm Jammu, Shrinagar and Mhow as observe in paragraph 5 of the order dated 02.06.2003. The representation, if so filed, may be considered and decided expeditiously.



4. For the reasons stated above, this O.A is disposed of finally with liberty to the applicant to file the fresh representation before the respondent No. 3 i.e. Q.M.G, OMG's Branch, Army HQ, New Delhi. The representation, if so filed within a week, it shall be considered and decided within a month from the date of filing of fresh representation.

5. There will be no order as to costs.

D. D. Joshi
Member - A.

L. S. D.
Vice-Chairman.

/Anand/