

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No. 649/2006

Twelve DAY THIS THE 25th DAY OF JANUARY, 2007

HON'BLE MR. K. ELANGO

MEMBER (J)

Praful Chandra,
S/o Sri Suresh Chandra,
Presently posted as Executive Engineer,
508/ Army Base Workshop, Fort,
Allahabad.

Applicant

(By Advocate Shri A.K. Srivastava)

Vs.

1. Union of India, through Secretary,
Ministry of Defence,
New Delhi.
2. Director General of E.M.E. (E.M.E. Civil),
New delhi.
3. Commandant, Head Qrs.,
Base Workshop Group (E.M.E.),
Meerut.
4. Commandant and M.D.,
508 Army Base Workshop, Fort,
Allahabad.

Respondents

(By Advocate Shri Saumitra Singh,
Senior Central Govt. Standing Counsel)

ORDER

In this O.A., the applicant has prayed for quashing the transfer order dated 23.05.2006, Annexure-A and movement order dated 31.05.2006, transferring him from 508 Army Base Workshop, Allahabad, to 507 Army Base Workshop, Kankinara, West Bengal and in the movement order striking the applicant's name off the strength of Army Base Workshop, Allahabad, with effect from 05.06.2006 (afternoon) with direction to report to his new establishment accordingly, respectively.

2. The applicant's case is that he joined as Executive Engineer in 508 Army Base Workshop, Allahabad on 19.07.2003. On 22.08.2005, the applicant was transferred from Allahabad to Meerut Cantt., Meerut. On his representation to the

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Department for deferment of his posting and on the recommendation of the higher authority, the said transfer order was deferred by the department upto 28.02.2006, keeping in view the medical condition of his son the poor health of his wife, on compassionate grounds.

3. However, on 14.02.2006, the applicant moved an application to the Department of the posting order and subsequently thereafter, filed O.A. No.206/2006, which was decided by the Tribunal vide order dated 16.05.2006, with a direction that the applicant be issued with a fresh transfer order with admissible TA/DA and joining time. In compliance thereof, the impugned transfer/posting order dated 23.05.2006 (Annexure-A) and movement order dated 31.05.2006 (Annexure-B) was issued. Thus, the applicant has challenged the above two orders.

4. On the contrary, the respondents have stated that the applicant was appointed as Assistant Executive Engineer, at Station Workshop, EME, Allahabad, on 14.10.1997. Thereafter, he was promoted as Executive Engineer on 19.07.2003 and posted at 508, Army Base Workshop, Allahabad and his posting was extended up to October, 2004. The applicant being a Class - I Officer, is liable to be posted anywhere in India. As per para 6 of the Policy letter of posting of Civilian Gazetted Technical Officers, the postings shall be planned on turnover of officers after completion of six years of duty in a station. Thus, in accordance with the above circular, the applicant was issued a posting order dated 22.08.2005, and posted to EME, Meerut. In response to the said order, the applicant submitted a request dated 16.11.2005, for deferment posting up to the first week of March, 2006, due to his new born baby's health condition and also in view of his wife's poor health condition. Acceding to his request, the applicant's posting was deferred till 28.02.2006. Thereafter, on the expiry of the deferment order on 28.02.2006, the applicant was required to go to Meerut and join there. But, instead, the applicant submitted an application for medical leave up to 11.03.2006, by producing a medical certificated issued by a Government

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Doctor when he was covered under the CGHS and holding a valid CGHS card. Thereafter, he extended his medical leave from time to time and in the meanwhile filed O.A. No.206/2006 before this Tribunal, seeking stay of the posting order of Meerut. This Tribunal, while disposing of the said O.A., vide its order dated 16.05.2006, directed the respondents to issue a fresh transfer order with admissible TA/DA and joining time admissible under the Rules and also to regularize his leave period. In the light of the above order of the Tribunal, the applicant joined the Army Base Workshop, Allahabad, on 20.05.2006, by producing the medical fitness certificate. As per the directions of this Tribunal in O.A. No.206/2006, the leave of the applicant was also regularized by grant of admissible leave.

5. Thereafter, in compliance with the directions of the Tribunal in O.A. No.206/2006 the applicant was issued a new posting order for 507, Army Base Workshop, Kankinara, West Bengal, vide order dated 31.05.2006 (Annexure-A) and also Struck Off Strength (SOS) order was issued from 508, Army Base Workshop, Allahabad, from the afternoon of 05.06.2006 (Annexure-B). Against these two orders, the applicant has approached this Tribunal now by filing the present O.A.

6. Heard Shri A.K. Srivastava, counsel for the applicant and Shri Saumitra Singh, the learned counsel for the respondents and also perused the records.

7. As per the Policy for posting of Civilian Gazetted Technical Officers and EME O (Civ), dated 26.04.2001, posting of Direct Recruit EE, SE and AEE, shall be planned for Direct Recruit Officers, EE(including promotees), SEs and ACEs to meet the following requirements.

(a) Turnover of officers after completion of the six years of duty in a station.

Accordingly, the applicant has been stationed at Allahabad for a total period of more than 9 years, i.e., 5 years 9 months as Assistant Executive Engineer and 3

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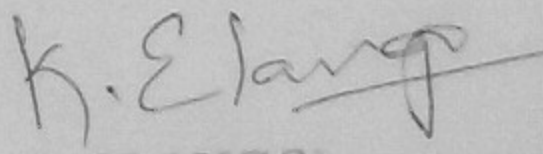
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years 5 months as Executive Engineer till date. The applicant being a Class - I officer, as per the posting policy of the respondents, his normal tenure in a station is six years. However, the applicant has managed to stay at Allahabad. The argument of the learned counsel for the applicant that the applicant is working at Allahabad since 2003 is not acceptable as he has been appointed as Asst. Executive Engineer in October, 1997 and thereafter, promoted as Executive Engineer in 2003. It is also seen that all the genuine requests made by the applicant time and again have been acceded to by the respondents. It is also not the case of the applicant that the action of the respondents in posting him to other places is with malafide intention or is arbitrary.

8. It is also seen from the order sheet that after issuance of notice by this Tribunal on 13.06.2006, the case has been adjourned only at the request of the applicant's counsel. At one point of time, i.e., on 07.07.2006, the learned counsel for the applicant requested the Tribunal that the applicant be permitted to continue at Allahabad for at-least 3 months and thereafter the applicant will move to the places mentioned in the movement order. The very statement of the learned counsel for the applicant makes it abundantly clear that the applicant has no case on merits.

9. Hence, in view of the foregoing, I am of the view that the O.A. has no merits. In the result the O.A. fails and the same is dismissed with no order as to costs.


(K. ELANGO)
MEMBER (J)

psp.