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**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application NO. 661 of 2006.

Allahabad this the 29th day of June 2006.

Hon'ble Mr. A.K. Bhatnagar, J.M

Iqbal Beg s/o late Ismail Beg aged
About 57 years r/o 716 Sadar Bazar, Bareilly.

.....Applicant

(By Advocate : Sri R.C. Pathak)

Versus.

1. Union of India through the Defence Secretary
Ministry of Defence Govt. of India, South Block
D.H.Q P.O. New Delhi-110011.
2. The Director General Defence Estate, Raksha Sampda
Bhawan, Ulan Batar Marg Delhi Cantt. 110010.
3. The Principal Director Defence Estate Central
Command, 17 Criyappa Marg, Lucknow Cantt.
4. The Director Defence Estate, Central Command 17,
Criyappa Marg, Lucknow Cantt.
5. Shri Dhanpat Ram (Director Defence Estate) Central
Command 17, Criyappa Marg, Lucknow Cantt.
6. The Defence Estate Officer, Office of the Defence
Estate Officer 53, Serpentine Marg, Bareilly Cantt-
243001.
7. Sri Amit Johari S.D.O. III Defence Estate Office,
Meerut Cantt.

.....Respondents

O R D E R

By this O.A. the applicant has challenged the impugned
transfer order dated 9.6.06 (Annexure A-1) and sought a
direction for quashing the same.

2. The brief facts as per counsel for the applicant are
that the applicant has been working as S.D.O.-III in the

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respondents' establishment since 1971. The applicant is stated to have been transferred on various places from 1973 to 1990. Learned counsel for the applicant submitted that the applicant has been transferred from the office of D.E.O Bareilly to D.E.O Agra against the policy laid down by the Department filed as Annexure A-2 which clearly indicates in para 3D that persons reaching the age of 55 years or over should not be transferred except at their request and to stations of their choice. He has also filed a Photostat copy of the posting/transfer policy dated 25.2.1991 (Annexure A-3). He emphasises on paragraph 14 of the said policy which also fortifies the earlier stand of the previous ~~posting~~ ^{policy}. The learned counsel for the applicant further submitted that in a similar case (Annexure A-4), the Patna Bench of the Tribunal has observed that the persons above 54 years of age will not generally be transferred. Learned counsel for the applicant, during the course of arguments, submitted that the applicant has also filed his representation dated 12.6.2006 (Annexure A-7) to respondent No.3 which is still lying undecided at the respondents' end and applicant will feel satisfied if his representation is decided earliest as per Rules. Learned counsel for the applicant has made a statement at bar that the applicant has not so far been relieved and no new incumbent has joined at his place.

3. After hearing the counsel and without going into the merits of the case, I find that this case can be disposed of at the admission stage itself without calling for counter by issuing an appropriate direction to the competent Authority.

4. Accordingly, in the interest of justice the O.A. is disposed of at the admission stage itself with a direction to the Competent Authority i.e. respondent NO.3 to consider and decide the representation dated 12.6.2006 (Annexure A-7) so filed by the applicant by a reasoned and speaking

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order as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of the order. In the interest of justice, it is further provided that if the applicant has not so far been relieved then operation of the impugned transfer order dated 9.6.2006 (Annexure A-1) shall not be given effect to in respect of applicant till the representation is decided.

5. Sri S. Singh Senior Standing Counsel for Govt. of India is present. Let the copy of the order alongwith copies of the O.A. meant for respondents be handed over to Sri S. Singh Senior Standing Counsel for Govt. of India.

No costs.

Member - J

Manish/-