

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00390 of 2016
Cuttack, this the 7th day of June, 2016

**CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

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Cinmaya Kumar Choudhury,
aged about 32 years,
S/o Harish Chandra Choudhury,
At/PO- Ajodhya, PS- Nilgiri, Dist- Balasore,
At present working as J.E. (Civil),
AGE, B/R, Sunabeda, Dist- Koraput.

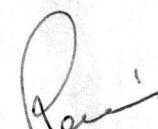
...Applicant

(Advocates: Mr. B.B.Mohanty)

VERSUS

Union of India Represented through its

1. Secretary, (Defence),
Ministry of Defence,
South Block, New Delhi.
2. Engineer in Chief,
Engineer in Chief Branch,
Kashmir House, DHQ PO,
New Delhi-11.
3. Director General (Pers.),
Engineer in Chief Branch,
Kashmir House, DHQ PO,
New Delhi-11.
4. Headquarter, Chief Engineer,
Southern Command, Pune-411001.



4
5. Headquarter, Chief Engineer,
Eastern Command, Kolkata-908542.

6. Chief Engineer, (Navy)
Railway Station Road,
Vishakhapatnam-530004.

7. CWE(P), Vishakhapatnam,
Railway Station Road,
Vishakhapatnam-530004.

8. Garrison Engineer (P),
Railway Station Road,
Vishakhapatnam-530004.

9. Assistant Garrison Engineer (B/R),
Sunabeda, Koraput,
Odisha -763004.

... Respondents

(Advocate: Mr.S.B.Mohanty)

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O R D E R (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. B.B.Mohanty, Ld. Counsel for the Applicant, and Mr.S.B.Mohanty , Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Applicant is presently working as JE(Civil) AGE, B/R.Sunabeda being appointed to that post with effect from 21.10.2010. On completion of four years of placement he was given the benefit of in situ promotion and thereby, has completed six years of posting at Sunabeda. The reason as to why applicant has approached this Tribunal is that by an order dated 21.1.2016, he has been posted at G.E.(A)(P) No.2, Jaisalmer for Natchana. On being pointed out as to whether



5

applicant before approaching the Tribunal has availed of the departmental remedies, Mr.B.B.Mohanty submitted that applicant had ~~had~~ made a representation dated 25.1.2016 (A/7) to the Chief Engineer, HQ, Southern Command, Engineering Branch (res.no.4) putting forth his grievance which included the fact that both Sunabeda and Jaisalmer are hard stations and after completing one tenure at Sunabeda he should not be further posted to another hard station. It is stated that during the publication of the warning list also, applicant had made a representation praying therein that his name should be delisted from the said warning list. However, even though the representation was filed, the same was not disposed, instead, an order of movement dated 1.6.2016(A/8) has been issued by the Executive Engineer, Garrison Engineer(P) at Visakhapatnam in which the date of movement has been shown as 11.6.2016. It is further submitted by the learned counsel that representation made by the applicant to res.no.4 was also recommended by his superior officers as per A/7. Having regard to the above, Mr.B.B.Mohanty prayed that the orders of transfer should be stayed and in effect the applicant should be allowed to continue in the present place of posting.

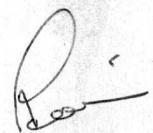
2. I have considered the rival submissions. Transfer being an incident of Government service, strictly speaking, the Tribunal is not supposed to interfere with this process, unless there is bias or mala fide urged or there has been transgression of any statutory mandatory rules in force. However, in the present case, it is found that a representation dated 25.1.2016 made by the



applicant is still pending with res.no.4 being not disposed of. Without disposing of the said representation, movement order has apparently been issued asking the applicant to be relieved by 11.6.2016. Therefore, there exists a genuine cause where res.no.4 should be directed to consider and dispose of the aforesaid representation in accordance with the extant rules and instructions and having regard to various points raised therein by the applicant and communicate a decision thereon to the applicant within a period of six weeks from the date of receipt of this order and till any such decision is communicated, movement order dated 1.6.2016(A/8) ^{in respect of applicant} shall remain stayed. *R*

Ordered accordingly.

3. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.
4. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.no.4 by Speed Post at the cost of the applicant, for which, Mr.B.B.Mohanty undertakes to file the postal requisites by 8.6.2016.
5. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER (A)