

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order : 23.5.95.

O.A. No. 204/95

Virendra Kumar Applicant
vs.

Union of India and Ors. Respondents

Present

Mr. S.N. Trivedi, Counsel for the applicant.

COURT :

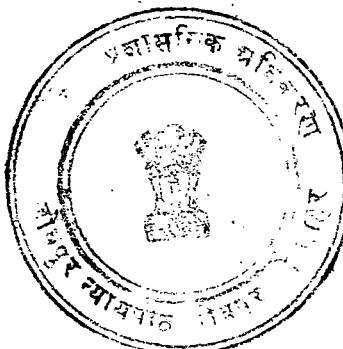
THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

BY THE COURT :

Heard the learned counsel for the applicant.

2. This OA has been filed with a prayer to quash the order dated 25.11.94 (Annex.A-1) posting the applicant from the office of the Garrison Engineer (Army), Bikaner to Air Force, Shillong and the communication dated 31.1.95 ~~xxxxxxxxxx~~ from the Chief Engineer, Bhatinda Zone, at Annex.A-2, intimating that the application dated 16.12.94 of the applicant for cancellation of his transfer has been considered by the competent authority but could not be accepted due to organisational requirement.

3. The applicant has stated that he was posted to ~~as AGE~~ the present office at Bikaner on 29.6.93. He has not even completed two years at the present place of posting. He has already crossed the age of 54 years and Shillong is a hard tenure station. He is suffering from Rheumatic Arthritis. He has further stated that the transfer is against the guidelines prescribed by the department for



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effecting transfers. According to these guidelines persons who have crossed the age of 54 years are not to be transferred to hard stations. He has also alleged that the transfer is discriminatory as he is neither the senior most nor the junior most at the present place of posting. As such, it is violative of Article 14 of the Constitution. He has further stated that his appeal dated 16.12.94 against the transfer was considered by the appropriate authority but not accepted as would be clear from the letter of the Chief Engineer, Bhatinda, dated 31.1.95 (Annex.A-2), although, a copy of the same has not been endorsed to him. He has stated that he has submitted another appeal dated 1.2.95 addressed to the Engineer-in-Chief, Army Headquarters, New Delhi. No reply has been received to this appeal. He has also mentioned that he has not so far been relieved from the present office consequent to the alleged transfer order.

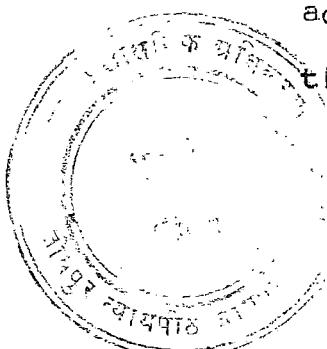
4. In view of the facts narrated above I consider that no prejudice would be done if the respondents are directed which I hereby do, that in case the applicant has not so far been relieved from his posting as ACE at Bikaner after due service of the relieving order on him, then they may consider the various points raised by him in his second appeal dated 1.2.95 (Annex.A-3) and take a decision thereon with reasons to be kept on record, within 15 days from the date of receipt of a copy of this order. Until this decision is taken the applicant may not be relieved from his present posting.

W.L.

3.

With this direction the OA stands disposed of at admission stage. A copy of the O.A. may be sent to the respondents alongwith a copy of this order.

Usha Sen
(Usha Sen)
Administrative Member



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Part II and III destroyed
in my presence on 26/12/2003
under the supervision of
section officer () as per
order dated 4/9/2003....

Section officer (Record)

Cpy of order
sent to PEB &
other authorities
Cpy of order 1 to 39 B
OA pages 1 to 145
Sent to PEB No 1 to 5
Regd AD file No 291 to 296
dt 06.6.95