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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR

O.A. NO. 226/2002

Date of Order: 03.09.2002.

Mohinder Lal son of Shri Nazar Ram, aged about 50 years, resident of II - D - 109, Jai Narain Vyas Colony, Bikaner, at present employed on the post of Defence Estate Officer, in Defence Estate Office Bikaner Circle, 229 Sadulganj, Bikaner.

...APPLICANT.

V E R S U S

1. Union of India through Secretary to Govt of India,  
Ministry of Defence, New Delhi-110066.
2. The Director General, Defence Estimates,  
Min. of Defence, Sector-I, R K Puram, New Delhi-66

...RESPONDENTS.

Mr. B.Khan, Counsel for the applicant.

CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER.

O R D E R

BY THE COURT:

Shri Mohinder Lal has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, praying therein that the impugned order dated 06.06.2002 (Annexure A/1) and order dated 27.08.2002 (Annexure A/2) may be declared illegal and the same may be quashed.

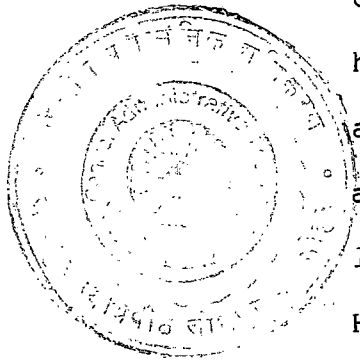
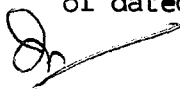
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2. This case was listed today for argument on admission and the interim relief. I have heard the learned counsel for the applicant at length and have perused the records of this case.

3. The case of the applicant is that he has been working on the post of DEO in JAG for more than 2½ years in Bikaner. The Bikaner station has been said to be as notified hard station, the other being Srinagar and Shilong where the applicant has worked. It has been submitted that as per the policy in vogue a person who works at hard station will be allowed a choice posting out of three choice stations which is required to be given by the individual. In the present case, the applicant gave his choice as DEO Jalandhar, CEO Ambala and DEO Jaipur of JAG stations. But, he was ordered to be transferred vide letter dated 23.07.2001 (Annexure A/4) as DEO Jabalpur. Certain persons were detailed to relieve him. But the applicant was not relieved to join at Jabalpur which is a JAG station. On the other hand, without cancelling or modifying the aforesaid order of transfer another order has been issued vide letter dated 06 June, 2002 (Annexure A/1) and the applicant has been ordered to be transferred as DEO Pathankot which is a non JAG station. The applicant made a detailed representation vide letter dated 24.06.2002 for reconsideration of his case of transfer. He also insisted that he may be considered for transfer at his choice station. But there has been no response to his representation. However, he is being continued on the post of DEO Bikaner and this Original Application has been filed with apprehension that he would be relieved without due consideration of his representation.

4. I have given considerable thought to the controversy involved in this case and am of opinion that the case is pre-mature in as much as the representation made by the applicant against the transfer order is of dated 14 June, 2002, and has not been decided. Not only this there



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seems to be ex facie some discrepancy in passing the number of transfer orders in as much as the transfer order of the applicant to Jabalpur has not been cancelled and <sup>another</sup> order has been issued without making even reference of the earlier order. Since the matter is under consideration with department I would refrain from adjudicating upon the matter or expressing any opinion on merits of this case in as much as certain vital issues are involved which can be dealt with at the administrative level. In this view of the matter, the Original application is disposed of with the following order:-

"(i) The respondent no. 1 is directed to decide the representation dated 14 June, 2002 (Annexure A/8) through a speaking order meeting out all the points raised therein keeping in view the grounds taken in the Original application within a period of two months from the date of receipt of a copy of this order.

(ii) Further, the respondents are directed to continue the applicant at his present place of posting i.e. DEO, Bikaner till the decision is taken on his representation as directed herein above.

(iii) If the applicant is aggrieved by the order passed on his representation he will be at liberty to agitate the same afresh, if so advised.

(iv) The Registry is directed to send a copy of the paper book along with its annexures to the respondent no. 2."

*J.K. Kaushik*  
( J.K. KAUSHIK )  
MEMBER (J)

Kumawat