

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO: 335/2002

&

MISC. APPLICATION NO. 58/2003

DATE OF ORDER: May 26, 2003

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

VERSUS

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

Mr. B. Khan, counsel for the applicant.

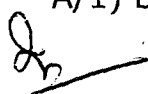
Mr. S.K. Vyas, Counsel for the respondents.

CORAM:

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

ORDER

Shri Mohinder Lal has filed this Original Application assailing the order of his transfer dated 6th June 2002 (Annexure A/1) by which he was transferred from Bikaner to Pathankot.



2. The main ground of attack of the transfer order is that he has been transferred on a post which is below the Junior Administrative Grade and he is holding the post of Junior Administrative Grade. During the pendency of this case certain subsequent events has taken place in as much as the post of DEO at Pathankot has already been filled in by transferring one Shri P.N.B. Sarma and, therefore, the impugned order in respect of the applicant does not survive and the Original Application itself has become infructuous. This position is reflected through a Misc. Application No. 58/2003 filed on behalf of the respondents in this case.

3. Along with the aforesaid Misc. Application an order dated 07th May, 2003 has also been annexed wherein the aforesaid factual position is reflected. Now the submission of the learned counsel for the respondents is that the respondents would be passing a fresh order regarding the transfer of the applicant and the applicant would be posted against vacant post of the rank of Junior Administrative Grade which the applicant is holding. It has also been submitted that they shall also take care and keeping in view of the relevant policy and guidelines as regards to the option clause and also the options submitted by the applicant for his posting.

4. On the other hand, the learned counsel for the applicant has submitted that the applicant submitted his options namely



Ambala, Jalandhar and Jaipur and it has come to the knowledge of the applicant that DEO posts at Jalandhar and Jaipur has already been filled in and the only post i.e. vacant as per his option is at Ambala. However, it is not for the Tribunal to direct to respondents as to at what place one should be posted to and in fact this is the job of the Executive authorities. However, it is expected that the respondents would keep up their promises and give a fair treatment to the applicant in the matter.

10. In view of the aforesaid position, the Original Application has become infructuous and the same stand disposed of as such. The Rule earlier issued also stands discharged. In the facts and circumstances of the case, there shall be no order as to costs. The Misc. Application No. 58/2003 filed in this case is also stand disposed of accordingly.


(J.K. KAUSHIK)
JUDICIAL MEMBER

Kumawat

Part II and III destroyed
In my presence on 18-8-08
under the supervision of
section officer () as per
order dated 3/2/08.

NGNA
Section officer (Record)

22/12/08

R/Copy
on 27/5

Part II and III destroyed
In my presence on 27-5-08
under the supervision of
section officer () as per
order dated 3/2/08.
Section officer (Record)