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

ORIGINAL APPLICATION NO. 237/2005
DATE OF ORDER: 16.10.2006

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

Amit Kumar MES No. 609210 S/o Shri Satyavir Singh, aged about 26 years, resident of Qtr. No. P-123/1, Bhamasa Line, Eklinagarh Cantt, Udaipur, at present employee on the post of Junior Engineer (Civil) in the office of A G E (I) Udaipur.

...Applicant.

Mr. B. Khan, Counsel for the applicant.

VERSUS

1. Union of India through Secretary to Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Chief Engineer (H.Q.), Southern Command, Engineer Branch, Pune.
3. Assistant Garrison Engineer, M E S Eklingarh Cantt., Udaipur.

Respondents

...Respondents.

ORDER

Original Application No. 237/2005 has been preferred against the impugned order dated 10th July 2004 (Annex A/1), wherein the applicant was ordered to be transferred from AGE

(I) Udaipur to CE (I) (Navy) Porbandar. In the first instance, the matter seems to have remained under consideration with the respondents and it was only on 9th August 2005, the movement order was issued to the applicant directing SOS on 16.08.2006. Thereafter, the applicant has approached this Bench of the Tribunal. The claim of the applicant is primarily based on the ground that there is a specific policy for posting the incumbents to hard stations but the respondents did not adhere to the same and the applicant was ordered to be transferred on pick and choose basis. Certain explanations have been given and the



matter has been dealt with in a very casual manner. Even during the pendency of this case, peculiar orders have been issued inasmuch as one side it was said that the applicant's representation has been rejected and on the other side, fresh representation was called from the applicant and they have made mess of the issue. In the bargain the applicant is enjoying and remaining at his present/desired place of posting. The respondents also did not seem to be serious enough in the matter and have been disclosing the informations in piecemeal by filing multiple affidavits. The assistance to this Bench of the Tribunal has been quite scanty and the respondents are clear in their stand. Had the respondents been little serious, the matter could have been adjudicated and decided at an early date.



To cut short the controversy and to impart proper justice to both the parties, keeping in view the circumstances that so much water has flown underneath the bridge and the factual scenario is changed, it would be appropriate that the respondents should give a fresh look to the matter by taking all the factors including the subsequent events into consideration and pass a fresh order in the matter. The respondents are accordingly, directed to pass a fresh order as expeditiously as possible. The impugned order dated 10.07.2004 (Annexure A/1) qua the applicant becomes redundant. The Original Application stands disposed of accordingly but with no order as to costs.

J K Kaushik
(J K KAUSHIK)
JUDICIAL MEMBER

Revised
Copy
Date
18-10-06.

Part II and III destroyed
in my presence on 11/10/06
under the supervision of
Section Officer () as per
order dated 31/01/06
Section Officer (Record)

11/10/06
C copy
Cm 11/10/06
Date & P