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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.355/2012

Jodhpur, this the 26th February, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Gajendra Mehta S/o Late Shri Narpat Singh Mehta, aged 52 years, R/o 437, 'D' Road, Sardarpura, Jodhpur, presently working as JE E/M in the office of the GE, Nasirabad (Raj.).

.....Applicant

Mr.P.S.Chundawat, counsel for applicant.

Vs.

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The E-in-C's Branch, AHQ, Kashmir House, Rajaji Marg, DHQPO, New Delhi-11.
3. The Chief Engineer, MES HQ, Southern Command, Pune-411001.
4. GE Banar, MES (Jodhpur).
5. GE Nasirabad, MES (Rajasthan).

...Respondents

Mr. Kuldeep Mathur, counsel for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

The applicant, by way of this application, has sought the following relief(s):

"(a) by an appropriate order or direction, the order dated 12.07.2012 (Annexure-A/1) and the order of transfer dated 04.04.2011 of the applicant (Annexure-A/2) be declared illegal and may be quashed qua the applicant.

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(b) by an appropriate order or direction, the respondents may be directed to posting back the applicant immediately in Jodhpur complex on Govt. expenses.

(c) any other appropriate order or direction which may be considered to be just & proper in the facts & circumstances of the case may kindly be passed in favour of the applicant.

(d) the cost of the application may kindly be awarded in favour of the applicant."

2. Counsel for the applicant submits that in earlier OA No.181/2012, the directions were issued by this Tribunal to dispose of the representations filed by the applicant as per the relevant circulars and guidelines. The said representations were dismissed by the competent authority and thereafter, this OA has been filed to declare the Annexure-A/1, rejection order of the representation, and the order of the transfer, Annexure-A/2, as illegal.

3. Counsel for the applicant submits that after filing of this OA, the office of Chief Engineer, Jodhpur Zone, has been raised, and there are five vacancies of JE (E/M), and the respondents have invited applications who are desirous for their transfer on their own request and the applicant has already filed a request letter to the competent authority for his transfer. He further submits that still two vacancies are available in the office of Chief Engineer, Jodhpur Zone.

4. Counsel for the respondents submits that the applicant has submitted his application on 17th of August, 2012, after two days of the last date of submitting of request application. Therefore, the same cannot be considered.

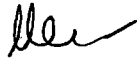
5. Looking to the entire facts and circumstances of the case, we are disposing of this OA with direction that the voluntarily transfer

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application submitted by the applicant before the respondent authorities may be considered sympathetically against the newly created posts which are lying vacant in the office of Chief Engineer, Jodhpur Zone, in accordance with the policy and the relevant rules within four months from the date of receipt of a copy of this order.

6. Accordingly, the OA is disposed of. No order as to costs.



[Meenakshi Hooja]
Administrative Member



[Justice K.C. Joshi]
Judicial Member

RSS