

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

**Original Application No.150/2010
This the 29th Day of April 2011**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Hem Chandra Tiwari, aged about 47 years, son of Shri S.N. Tiwari, resident of D-1/238, LDA Colony, Kanpur Road, Luck now

...Applicant.

By Advocate: Sri Praveen Kumar.

Versus.

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Kashmir House, New Delhi.
3. The Chief Engineer, HQ, Central Command, Lucknow.
4. The Garrison Engineer (West), 11-Sardar Patel Road, Lucknow.

.... Respondents.

By Advocate: Sri R. Mishra.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

With the consent of both the learned counsel for the parties this OA was taken up for consideration alongwith M.P.No.1097/2011 which has been moved on 28.04.2011 in view of the changed circumstances.

2. This O.A. has been filed impugning the transfer order dated 04.06.2009 and rejection order dated 14.08.2009 and Appellate order dated 14.10.2009 (Annexure A-1, Annexure-1A and Annexure-AB and consequential order like relieving order etc. The learned counsel for the applicant points out that on 08.12.2010 Engineer-in-Chief himself has been pleased to reconsider the transfers of such

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officers including the applicant which were made in utter violation of transfer policy. Accordingly, the transfer order issued by CECC was cancelled with immediate effect for effected individuals who have not moved. However, in cases of effected individuals who have moved to new place of posting, fresh posting order has been directed to be issued at the end of CECC and individuals be repatriated back to previous place of posting. This order has been brought on record as Annexure-M-1 of M.P.No.1097/2011. learned counsel for applicant further submits that in the light of this order the applicant has moved a representation dated 25/26.04.2011 addressed to Lt. Gen. M.C. Badhani, Engineer-in-Chief, Kashmir House, New Delhi through proper channel (Annexure- M-2). He therefore submits that it would meet the ends of justice if the OA is disposed of finally with a direction to Respondent No.2 to dispose of the representation of the applicant in the light of the aforesaid order dated 08.12.2010. As for this request is concerned, the learned counsel for official respondents has no objection.

3. In view of the above this OA is finally disposed of with a direction to the Respondent No.2 to dispose of the representation dated 25/26/04.2011 in the light of the order dated 08.12.2010 within a period of six weeks from the date a certified copy of this order alongwith readable copy of the aforesaid copy of representation is furnished to the Respondent No.2. No order as to costs.

Alok Kumar Singh

(Justice Alok Kumar Singh)
Member (J)