

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO.291/00632/2015 with MA
No.291/00420/2015 and MA No.291/00440/2015**

Date of Order: 31.3.2016

CORAM

**Hon'ble Dr. K.B.Suresh, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member**

Vinod Kumar Gupta Son of Late Shri P.N.Gupta, aged about 51 years, by caste Vaishya, resident of 579/2, MES Officers Enclave, Nirman Vihar-II, Military Stations, Jaipur-302012. Presently posted as Director (Contracts), HQ, Chief Engineer, MES, Jaipur.

.....Applicant

(By Advocate Mr. Mukesh Agarwal)

VERSUS

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD(Army), Kashmir House, Rajaji Marg, New Delhi-110011.
3. Chief Engineer, Head Quarters, Jaipur Zone, MES, Power House Road, Bani Park, Jaipur-302006.
4. S.Venkateswara Rao through Director General Personnel/EIB, Engineer-in-Chief's Branch, Integrated HQ of MOD(Army), Kashmir House, Rajaji Marg, New Delhi-110011.

.....Respondents

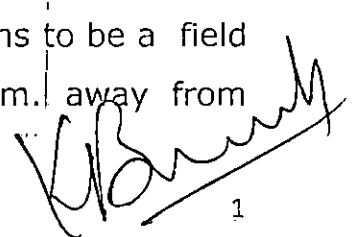
(By Advocate Mr. S.S.Sharma and
Mr. Vikas Pareek)

ORDER

(Per Dr. K.B.Suresh, Judicial Member)

Heard.

The matter relates to transfer. Applicant has been transferred to Narangi a place which is near Guahati which he claims to be a field area. The respondent submits that it is hardly 7 Km. away from

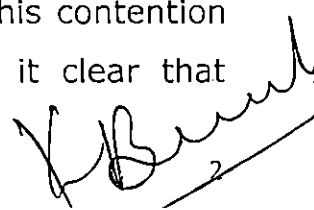


Guahati. Applicant submits that the respondents issued the transfer order in violation of guidelines issued in January, 2013 as well as against the statutory rule SRO 92 of the Civilian in Defence Service (Field Service Liability) Rules, 1957 according to which that if it is satisfied that a civilian Government Servant who has completed twenty five years continuous service or who has attained the age of forty five years is willing to undertake the liability of field service, permit such servant, on the basis of medical examination, is placed in category-I referred therein. Before his transfer the applicant submitted a representation for his turnover posting due in 2015 of his choice of either at Bangalore/Pune/Mumbai as his son is studying in BITS, Pilani at KK Birla, Goa and the course would be completed in 2018 but the respondents without considering the facts and circumstances have issued order on 27.5.2015 for transfer at Narangi as "counter insurgency area".

2. It appears that applicant has no grievance. The son of the applicant is studying at Goa and in the option he has chosen the places are Bangalore/Pune/Mumbai which are far away from Goa and on posting at this point of time, no actual benefit can be availed by the applicant, since Pune and Goa are far places from each other geographically. We find no force in the contention of the applicant. Applicant relies on the judgment of Single Bench in OA No.805-PB-2013 dated 8.8.2013 wherein it has been observed that on the one hand the applicant has been transferred to a post lower than his present posting, on the other hand it is against the provisions of SRO No.92 dated 26.2.1957 containing the Civilians in Defence Service (Field Service Liability) Rules, 1957 and the OA was allowed.

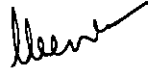
3. But per respondents in this case, they submitted that the applicant has challenged his transfer order by claiming concession of age and length of service in terms of conditions laid down in SRO No.92. The applicant has not placed any documents showing Narangi Area as Field Area or counter insurgency area. The study of the son of the applicant will be completed in 2018 whereas the transfer order is issued in 2015 as the matter is not correlated with each other.

4. The applicant has not made out any case, therefore, his contention is not acceptable. The OA is dismissed. We make it clear that

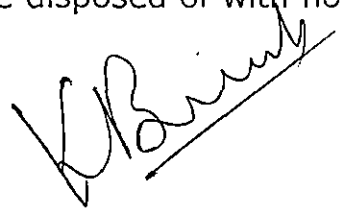


movement order would be alive and he will be relieved by respondents within 10 days from today. He will also be paid pay and allowances along with movement and relieving order and relieving benefits within that period.

5. With these directions both OA as well as MAs are disposed of with no order as to costs.



(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR.K.B.SURESH)
JUDICIAL MEMBER

Adm/