

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

242
O.A. No. of 1998

3.12.1999
DATE OF DECISION.....

Shri S. Biswas

PETITIONER(S)

Mr B.K. Das, Mr P.K. Roy and

ADVOCATE FOR THE
PETITIONER(S)

Mr M. Chanda

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

O.A. No. of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman

RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.242 of 1998

Date of decision: This the 3rd day of December 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Shri Shyamalendu Biswas,
Assistant Engineer (B/R),
Silchar, P.O. Arunachal,
District- Cachar, Assam.

.....Applicant

By Advocates Mr B.K. Das,
Mr P.K. Roy and Mr M. Chanda.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Defence,
New Delhi.

2. The Engineer in Chief's Branch,
Army Headquarter,
DHQ, New Delhi.

3. The Chief Engineer,
Eastern Command,
Fort William, Calcutta.

4. The Chief Engineer,
Shillong Zone,
Military Engineer Service,
Shillong.

5. Shri K. Venkataswara Rao,
Assistant Executive Engineer (B/R),
Office of the Garrison Engineer,
Silchar, P.O. Arunachal,
District- Cachar, Assam.

6. Shri M.P.S. Bhatia,
Lt. Colonel,
SOL Engineer's Branch 'B'.

7. Shri H.S. Pal
Garrison Engineer,
Silchar, P.O. Arunachal,
District-Cachar, Assam.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....



RECORDED (V.O.)

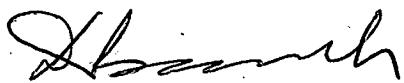
O R D E R

BARUAH.J. (V.C.)

In this O.A. the applicant has prayed for direction to the respondents to give him posting of a choice place as admissible on the basis of the Annexure I Circular dated 14.12.1983. This was, however, denied to him. Feeling aggrieved, he filed a representation, but he did not get any redress from the representation. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement.

3. I have heard both sides. Mr B.K. Das, learned counsel for the applicant, assisted by Mr P.K. Roy, submits that as per the Annexure I Circular dated 14.12.1983 the applicant is entitled to get a place of choice posting. He further submits that the applicant had exercised his option for choice posting as Barrackpore Cantonment. His further instructions is that four vacancies still exist in Barrackpore. Mr B.C. Pathak, learned Addl. C.G.S.C., on the other hand, submits that he does not have any instruction in this regard. Mr Pathak, however, submits that as per Annexure I Circular dated 28.4.1998 to the written statement, the applicant ought to have given three places of choice. To counter this, Mr Das submits that the applicant's right to get the place of choice is prior to the Annexure I Circular dated 28.4.1998 as his right accrued prior to 1998 and in that event, according to Mr Das, Annexure I Circular dated 14.12.1983 to the application, is relevant in the applicant's case.



: 3 :

4. On hearing the learned counsel for the parties, I find sufficient force in the submission of Mr Das. Be that as it may, I dispose of this application with direction to the respondents to transfer the applicant to the place of his choice, i.e. Barrackpore. If there is, however, no vacancy then the nearest place around Calcutta shall be given. This must be done as early as possible, at any rate within a period of one month from the date of receipt of this order.

5. The application is accordingly disposed of. No order as to costs.



(D. N. BARUAH)
VICE-CHAIRMAN

nkm