

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No. 29 of 1998.

DATE OF DECISION...8:1:1999.....

II Sri Anil Sarkar

(PETITIONER(S))

Sri A.Dasgupta

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.

Sri A.Deb Roy, Sr.C.G.S.C

ADVOCATE FOR THE  
RESPONDENTS.

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

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 ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 29 of 1998.

Date of Order : This the 8th Day of January, 1999.

Justice Shri D.N.Baruah, Vice-Chairman.

Sri Anil Sarkar,  
Son of Sri Haripada Sarkar  
residing at Qr. No.82/B, GE Jorhat,  
at Lichubari, Jorhat-4,  
Assam. . . . Applicant.

By Advocate Sri A.Dasgupta.

- Versus -

1. Union of India,  
represented by Secretary to the  
Government of India,  
Ministry of Defence,  
New Delhi.

2. Chief Engineer,  
MES Eastern Command,  
Fort William,  
C/O 99 APO.

3. Garrison Engineer,  
Jorhat-5,  
Assam.

. . . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

BARUAH J. (V.C)

This application has been filed by the applicant praying interalia to set aside and quash the Annexure-XI order dated 6.2.1998 and transfer him to any of the choice places namely, Bangdubi, Bagdogra, Khaprail or Binnaguri from Jorhat. The applicant is a Superintendent (Electrical & Mechanical Grade-II) working under the Garrison Engineer, MES, Jorhat under the Ministry of Defence. On being posted he joined the MES as such for more than 8 years. As per Annexure-V Office Memorandum issued by the Headquarters, Eastern Command, MES if an employee is posted to a tenure

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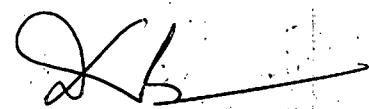
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station for a period of 3 years or more, he has a right to be transferred to a choice place of posting. Accordingly, the applicant exercised his option for Bangdubi, Bagdogra, Khaprail, or Binnaguri under Chief Engineer, Siliguri Zone. However the applicant was not allowed to go on transfer to a place of his choice, instead he was transferred to GE 583 EP. However this transfer order was stayed by this Tribunal on 27.2.1998. Hence this present application.

2. We have heard Mr A. Dasgupta, learned counsel appearing on behalf of the applicant and Mr A. Deb Roy, learned Sr.C.G. S.C for the respondents. Mr Dasgupta submits that in view of the Annexure-V circular the authority should allow his posting in a place of his choice. Mr A. Deb Roy also does not dispute the submission of Mr Dasgupta regarding the right of the applicant to be transferred to a place of his choice. On hearing the counsel for the parties I dispose of this application with a direction to the respondents to allow the applicant to move out from Jorhat to a place of his choice in accordance with the Annexure-V circular. Interim order dated 27.2.1998 shall continue till such consideration.

The application is allowed. No order as to costs.

  
( D.N. BARUAH )  
VICE CHAIRMAN