

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.Original Application No. 477 of 2005

Jabalpur, this the 13th day of May, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Vazir Khan
 S/o Shri Nazeer Khan
 Aged about 34 years
 R/o House No. 887
 Behind Seth Natthumal School
 Gorakhpur Jabalpur

Applicant

(By Advocate – Shri V. Tripathi)

V E R S U S

1. Union of India,
Through its Secretary,
Ministry of Defence
New Delhi.
2. The Chairman/
Director General
Ordnance Factory Board
10-A, S.K Bose Marg
Kolkata.
3. The General Manager,
Ordnance Factory,
Khamariya.

Respondents

O R D E R (Oral)

By filing this Original Application, the applicant has sought the following main reliefs :-

“(ii) Set aside the order dated 10.5.2005 Annexure A-1 with all consequential benefits as if the impugned transfer order has never been issued.

(iii) Direct the respondents to keep applicant posted at the present place of posting i.e. Ordnance Factory Khamaria, Jabalpur.”



3. The brief facts of the case are the applicant was initially appointed as Darban on 26.2.97 in the Ordnance Factory Khamaria, Jabalpur. Vide order dated 10.5.2005 he has been transferred from Ordnance Factory Khamaria to Ordnance Factory Varangaon. According to the applicant that the post of Darban is a Group-D post and the Group-D employee of the department is never transferred from one factory to another. The seniority of the Darban is maintained at the factory level. If, he will be transferred to other factory his seniority will be adversely effected and the chances of his promotion will also be prejudiced. The applicant further states that as per the seniority list of the Ordnance Factory Khamaria the applicant is neither senior most nor junior most Darban. The mother of the applicant is a handicapped who is not able to walk independently, which is clearly shown in Annexure-A-3. The applicant has two marriageable sisters and one brother who are depending upon the applicant. ~~The applicant has also~~ three daughters out of which ~~two~~ daughters are studying in class-III. If the applicant will be posted outside of Jabalpur, it will be very difficult for him to take care of his family. With the aforesaid reasons the applicant has preferred a representation dated 12.5.2005 (Annexure-A-4) for cancellation of his transfer. Till now, the respondents have not taken any decision on the aforesaid representation of the applicant. Hence, this OA.

3. Heard the learned counsel for the applicant and perused the pleadings carefully.

4. The learned counsel for the applicant has stated that the applicant will be satisfied if the respondents are directed to consider and decide the aforesaid representation dated 12.5.2005 of the applicant

5. Considering all the facts and circumstances of the, I direct the respondents to consider the aforesaid representation of the applicant dated 12.5.2005 (Annexure-A-4) and take a decision by passing a



6. With the above directions, the OA stands disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

पल्लिलिपि वाच्येति :-

- (1) सचिव, उच्च न्यायालय काटार रोड सिटी हाथ, जयपुर
 (2) आवेदन श्री/श्री/..... को काउंसिल
 (3) प्रत्यक्षी श्री/श्री/..... को काउंसिल
 (4) वांछितान्त, सी.ए. ...
 सचना एवं आवेदना का निवेदन हेतु

रूप बजिरद्वार

V. K. Pathi, P.N. & B.P.
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