

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 Nathumal 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,  
     Khamaria.
- 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 lever. 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 ~~three~~ daughters out of which ~~two~~ applicant. The applicant has ~~two~~ 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



speaking, detailed and reasoned order within a period of one month from the date of receipt of a copy of this order. Till the aforesaid representation are decided by the respondents, the applicant will not be disturbed from his present place of posting.

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

  
(Madan Mohan)  
Judicial Member

कृतकर्त्ता से ओ/न्या.....जदलपुर, दि.....  
पत्रिलिखि दाखेतिहासि:-  
 (1) सतिव, उच्च न्यायालय । वाराणसी दिन, जदलपुर  
 (2) आकेश्वर श्री/महाराजा दिन, नारायणस्नान  
 (3) प्रत्यर्थी श्री/महाराजा दिन, नारायणस्नान  
 (4) वाराणसी, नारायणस्नान, दिन, जदलपुर  
 सूचना एवं उत्तरालय कामनाएँ दिन, जदलपुर

V. Venkatesh PN 238  
Rule 2 and 3 - C.W.O/T  
Copy of Petition

awed  
8/7/5