

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR BENCH,Original Application No. 472 of 2005

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

Hon'ble Mr. Madan Mohan, Judicial Member

Abhay Raj Singh  
S/o Kamleshwar Sing  
R/o Udai Nagar No.1  
Vehicle Estate,  
Panehra, Jabalpur

Applicant

(By Advocate – Shri V. Tripathi)

VERSUS

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

ORDER (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 1.1.1983 in the Ordnance Factory Khamaria, Jabalpur. Vide order dated 10.5.2005 he has been transferred from Ordnance Factory Khamaria to Ordnance Factory Tirichurapalli. 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 father of the applicant is 80 years old and he is a heart patient who had undergone bye-pass surgery 4 years back and he is still taking treatment from the Doctors of National Hospital, Jabalpur. Apart from this applicant's one son and two daughters are studying at Jabalpur in respective classes. The applicant further states that marriage of his daughter Ku. Neha Singh is going to be solemnized on 25.5.2005 at Jabalpur. 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

पृष्ठान्क सं ओ/न्या.....जबलपुर, दि.....  
प तिलिपि अवे धित:-  
(1) सचिव, उच्च न्यायालय नगर एन.सि.पुल, जबलपुर  
(2) आवेदन श्री/श्रीमती/श्री.....के काउंसल  
(3) प्रत्यक्षी श्री/श्रीमती/श्री.....के काउंसल  
(4) अध्यक्ष, सेवानु, जबलपुर .....  
सूचना एवं आवश्यक कार्यवाही हेतु  
उप निरीक्षक

V. Sri Pathi P.N.D.P.  
Rajesh Kumar S. P.N.D.P.  
Copy of P.N.D.P.

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