

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR**

**Original Applications No 796 of 2005**

Jabalpur, this the 29<sup>th</sup> day of August, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

(By Advocate – Shri P.S. Nair Sr. Adv. Along Shri Sanjeev Singh )

## VERSUS

1. Union of India,  
Through : The Secretary,  
Government of India, Ministry of Defence,  
(Dept. Of Defence Production), New Delhi.
2. The Director General  
Ordnance Factories,  
Ordnance Factory Board, 10-A,  
S.K. Bose Road,  
Kolkata-700 001.

## O R D E R(Oral)

**By Madan Mohan, Judicial Member —**

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

"ii) Quash the impugned order Annexure-A/1 being against the Government policy and issued on political considerations.

### Interim Relief.

.....to stay the operation of the impugned order Annexure-A/1 during the pendency of this OA.”

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2. The brief facts of the case are that the applicant is presently working as General Manager in the Ordnance Factory Itarsi. According to the applicant one Shri N.S. Chouhan was working in the Ordnance Factory Itarsi for more than 20 years, pursuant to the Disciplinary action was transferred from Ordnance Factory Itarsi to GIF Jabalpur vide order dated 22.6.90 and thereafter at his own request he was transferred in the Ordnance Factory Itarsi. Shri N.S. Chouhan has a long history of indiscipline, misconduct and unsocial activities etc., which have been recorded in his personal file. Taking into consideration of all relevant facts Ordnance Factory Board Kolkata have transferred him from Ordnance Factory Itarsi to OFI Ambajari, Nagpur. Shri N.S. Chouhan made a false and frivolous complaint against the applicant on 5.1.2005 (Annexure-A-7) and the applicant submitted his reply. Shri Digvijay Singh, General Secretary, All India Congress Committee forwarded the compliant Annexure-A-9 of Shri N.S. Chouhan to Hon'ble Defence Minister, Shri Pranabh Mukherjee. Thereafter Hon'ble Defence Minister vide his letter dated 14.3.2005 intimated to Digvijay Singh that he is looking into the matter. The main contention of the applicant is that the impugned order of transfer of the applicant has been issued on 9.8.2005 (Annexure-A-1) only on the political pressure and interference of the Union. Hence, this OA.

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

4. The learned counsel for the applicant has drawn my attention towards letters dated 25.1.2005, 14.3.2005, 21.4.2005 and Annexure-A-17. He has also produced a copy of DO letter No. 4.5.2005 wherein the Chairman of Ordnance Factory Board has appreciated the work of the applicant and his team which is kept in record. The learned counsel for the applicant has drawn my attention towards the order passed by the Ernakulam Bench of the Tribunal in the case of **T. Abdulkader Vs. UOI & Ors.** 1994 (27) ATC, 40 wherein the



transfer order issued under political pressure has been quashed. He has also drawn my attention towards the judgement of Hon'ble High Court of Allahabd in the case of **Pawan Kumar Srivastava Vs. U.P. State Electricity Board & Ors.**, 1995 II LLN 50

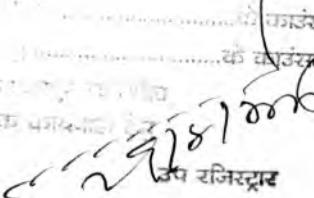
4.1 The learned counsel for the applicant further argued that the applicant shall submit a representation for cancellation of the aforesaid transfer order and in the meantime the aforesaid impugned order dated 9.8.2005 be stayed.

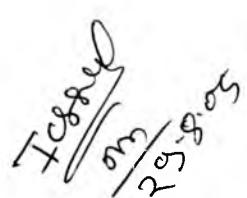
5. Considering all the facts and circumstances I deem it appropriate to dispose of this OA by directing the applicant to submit a detailed representation to the respondents within a week from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with this order the respondent No.2 is directed to consider and decide the said representation of the applicant by passing a detailed, reasoned and speaking order within a period of 1 month from the date of receipt of the representation. Till the said representation of the applicant is decided by the respondents, he be not disturbed from the present place of posting. The learned counsel for the applicant is directed to furnish a copy of this order alongwith this OA immediately to the respondents.

6. With the above direction the OA stands dispose of at the admission stage itself.

  
(Madan Mohan)  
Judicial Member

skm P.S. Naik  
Anand  
कृतांकन से ओ/व्हा..... जललक्ष्म. दि.....  
प्रतिलिपि दाखि दिला.....  
(1) राज्यीय, राज्य व्यापारी वाहन वाहन, लखनऊ  
(2) आमदानी व्यापारी वाहन वाहन, लखनऊ  
(3) प्रवासी व्यापारी वाहन वाहन, काउंसल  
(4) व्यापारी, राज्यीय, राज्य व्यापारी वाहन वाहन  
सूचना एवं व्यापारी वाहन वाहन

  
जललक्ष्म. दि.....  
प्रतिलिपि दाखि दिला.....

  
108/53/2005