

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 399 of 2004

Jabalpur, this the 11th day of May, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

R.K. Shroti Son of Late Shri P.S. Shroti
Chargeman Grade I, C/o Controllerate
of Quality Assurance(Weapons), Gun Carriage
Factory Campus, Jabalpur(M.P.)

APPLICANT

(By Advocate - Shri A. Shroti)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.
2. Director General,
Quality Assurance,
Department of Defence
Production and Supplies
(D.G.Q.A. Arm-1)
Government of India,
Ministry of Defence, D.H.Q.
New Delhi.
3. Director,
Directorate of Quality Assurance
(Armts) Department of Defence
Production and supplies
(DGQA Arm-1)
Government of India,
Ministry of Defence, DHQ
New Delhi - 110 011
4. Controller
Controllerate of Quality Assurance(W)
G.C.F. Post Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri Gopi Chourasia on behalf of
Shri S.A. Dharmadhikari)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the applicant and
respondents.

2. The applicant has filed this OA challenging the order
of his transfer dated 29.4.2004(Annexure-A-2) whereby the
applicant has been transferred from Controllerate of Quality
Assurance(Weapons), Jabalpur to CQA(AVA) avadi. In the said

order dated 29.4.2004, the applicant has also been asked to indicate his proposed date by which he would like to be SOS of the Controllerate to join the new station of posting. It is further stated in the said letter that he should submit his proposal up to 3.5.2004, failing which he will be deemed SOS of the controllerate on 10.5.2004. The applicant has submitted his representation dated 3.5.2004 indicating that he is willing to join the new station of posting by 23.5.2004 subject to his medical fitness. Now at present he has stated that he is declared unfit for the duty by the Principal Medical officer, GEF, Jabalpur.

3. It is well settled legal proposition that the transfer is an incident of service and it cannot be interfered with by the Court/Tribunal unless it is malafied or it is against the statutory guidelines. The learned counsel for the applicant states ^{that} had it been simplicitor transfer, he would have no ground to challenge the same. But, here the transfer order has been issued under certain flexible complement policy. The applicant has not been supplied all the documents relating to flexible complement policy which had been demanded by him from the respondents.

4. We find that the applicant has not attributed any malafide against any officer and has also ^{not} brought to our notice any statutory guidelines which has been violated by the respondents in transferring him from Jabalpur to Avadi. He only seeks stay of the transfer order ^{and} further stated that he has not been supplied the documents asked by him with regard to flexible complements policy.

5. In the facts and circumstances of the case, we dispose of this OA at the admission stage itself by directing the respondents to consider and decide the applicant's representation dated 3.5.2004 (Annexure-A³⁴) within a period

15 days from the date or receipt of a copy of this order. We further direct that till the said representation of the applicant is decided he will not be disturbed by the respondents from present place of posting.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

SKM

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय एवं एसेसिशन, जबलपुर
- (2) आवेक श्री/श्रीमती/कु.....के कार्डसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के कार्डसल
- (4) मध्यपाल, के.प्र.अ., जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

A. Shrotri

SA Marwadihikan

मध्यपाल

Issued
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14.5.04