

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 73/2003

Jagdeo Yadav, s/o. Shri Panna
lal Yadav, Aged about 45 years,
R/o. Mandi Quarter No. 40/4,
Military Farm, Mandla Road,
Jabalpur.

... Applicant

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Defence,
New Delhi.

2. The Quarter Master General Branch,
R.E. Headquarter, West Block III,
RK Puram, New Delhi.

3. The Dy. Director General, Military
Farm, QMGS Branch, Army Head quarter,
West Block III, RK Puram, New Delhi.

4. The Deputy Assistant Director,
Military Farm, Mandla Road,
Jabalpur.

... Respondents

Counsel :

Shri S. Paul for the applicant.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)

(Passed on this the 14th day of February 2003)

The applicant is aggrieved by impugned order dated 27/01/2003 (Annexure A/9) passed by the Officiating of Deputy Director General / Military Farms, QMG's Branch, Army Headquarters, New Delhi. It is stated by the applicant that he has been transferred to Frieswal Project, Meerut as per order dated 20/12/2002 (Annexure A/1). Aggrieved by that order, the applicant has filed OA No. 11/2003 which was disposed of by order dated 13th January

(Anil Jay) *[Signature]*

2003 with the following directions :

"Keeping in view the submissions of the applicant as explained in the original application and also in the oral submission made by the learned counsel for the applicant, we are of the opinion that the right course would be to direct the respondents not to press for the joining of the applicant at the new place of posting till such time his representations annexed at Annexure A-2 and Annexure A-3 are disposed of by them by issuing a reasoned and speaking order. The respondents are further directed that they should dispose of the representations of the applicant within a period of 4 weeks from the date of receipt of a copy of this order by issuing a reasoned and speaking order as directed above. With this, this OA stands disposed of as per above directions."

The learned counsel of the applicant claims that the Tribunal had directed for the disposal of the representation dated 21/12/2002 (Annexure A/2) addressed to the Deputy Director General/Military Farms, as well as representation dated 06/01/2003 addressed to the Quarter Master General. According to the learned counsel of the applicant, the representation dated 21/12/2002 (Annexure A/2) filed by the applicant to Deputy Director General of Military Farms has been disposed of. However it is claimed that the representation dated 06/01/2003 (Annexure A/3) to the next superior authority i.e., the Quarter Master General, Army Headquarters, New Delhi has not yet been disposed of. The learned counsel further states that copy of order of this Tribunal dated 13/01/2003 has been sent to both the Deputy General of Military Farms as well as to Quarter Master General, Army Headquarters, New Delhi. Pending decision of the representation of the applicant by the superior authorities, i.e., the Quarter Master General, Army Headquarters, New Delhi, the applicant should not be issued with the impugned order dated 27/01/2003 (Annexure A/9) wherein he has been threatened to report at the new place of station to avoid break in service.

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2. After hearing the learned counsel of the applicant and after perusal of the record and without expressing any opinion on the merits of the claim of the applicant, we are of the view that the pending disposal of the representation dated 06/01/2003 (Annexure A/3), it was not proper for respondent No. 3 to pass the impugned order dated 27/01/2003 (Annexure A/9). In case the applicant has brought the order of this Tribunal dated 13/01/2003 to the notice of respondent No. 2 Quarter Master General, Army Headquarters, New Delhi, the pending representation should have been disposed of by him also in view of our direction contained in the order dated 13/01/2003. If the contention of the learned counsel of the applicant that the order of this Tribunal had already been communicated to respondent No. 2, the applicant may not be compelled to join the new station of posting in terms of order dated 27/01/2003 (Annexure A/9) passed by the ^{Officiating} Deputy Director General of Military Farms till disposal of the applicants' representation dated 06/01/2003 (Annexure A/3) by respondent No. 2. If a decision on the representation of the applicant is taken by respondent No. 2 the same should be communicated to the applicant promptly.

3. In view of our direction in the preceding paragraph, this original application is disposed of at the admission stage itself.


(R.K. UPADHYAYA)
MEMBER (A)


(N.N. SINGH)
VICE CHAIRMAN