

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 837 of 2003

Jabalpur, this the 5th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

K.L. Warkade
S/o Late F.S. Warkade
Aged about 39 years,
R/o E-323, Sanjay Nagar
Ranjhi, Jabalpur.

APPLICANT

(By Advocate - Shri S.Paul)

VERSUS

1. Union of India
Through its Secretary
Ministry of Defence
Dept. of Defence Production &
Supplies New Delhi.
2. The Director of Quality Assurance (Arms)
Dept. of Defence Production
Ministry of Defence,
Defence Head Quarter
New Delhi.
3. The Controller, Controllerate of
Quality Assurance Establishment,
(Military Explosive), Aunda Road,
Krikes, Pune.
4. The Sr. Scientific Officer Gr.I
Quality Assurance Establishment,
(Military Explosive)
Khamariya, Jabalpur.

RESPONDENTS

ORDER (ORAL)

By G. Shanthappa, Judicial Member -

has been

The above application filed by the applicant seeking a direction to set aside the order dated 6th October, 2003 (Annexure-A-1) to the extent it transfer the applicant from QAE(ME) Khamaria, Jabalpur to SQAE(ME), Aruvankandu (Tamil Nadu) and also to set aside the relieving order dated 8th October, 2003 (Annexure-A-3), further relief/direct the respondents to accommodate the applicant in Jabalpur as and when the post of Scientific Assistant Gr.I will fall vacant.

2. The brief facts of this case are that the applicant was initially appointed as Junior Scientific Asstt. Gr.II. Subsequently he was promoted as Scientific Asstt. Gr.I vide

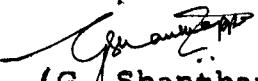
order dated 31.3.2003 in the same office at Jabalpur Vice Shri S.A. Karne, SA-I who was promoted as Sr. Scientific Asstt. However the said S.A. Karne had refused his promotion as Sr. Scientific Asstt. Therefore, the respondents have issued the amended order dated 6.10.03 (Annexure-A-1), transferring the applicant from (ME), Khamaria, Jabalpur to (ME) Aruwankandu(Tamil Nadu) on promotion as Scientific Asstt.-I. The respondents have issued relieving order of the applicant from (ME), Khamaria vide Annexure-A-3. The applicant has submitted his representation dated 15.10.2003 (Annexure-A-4) and 3.12.03(Annexure-A-5) requesting the respondents to consider his promotion at Jabalpur itself and still he is not promoted, he may be permitted to continue his services at Khamaria ^{and} he wants ~~not~~ to forgo his promotion. ^{Up.} Along with his representations he has also submitted medical certificate of his wife and himself. It is contended that in spite of the fact that this representation was pending with the respondents, by which he has submitted, that he is for-going his promotion ^{in the mean while} the respondents have issued order dated 8.10.03 (Annexure-A-3) informing him that he will be relieved from office of Khamaria and his name will be struck off from the strength of the said Establishment latest by 06.12.2003. Aggrieved by ^{the} said order, the applicant has filed this application for a direction to the respondents to consider his representations and to allow him to work at Khamaria on the ground that is forgoing his promotion. The learned counsel for the applicant has submitted that as on today the applicant is working in Khamaria office.

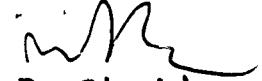
3. Heard the learned counsel for the applicant and carefully perused the records and pleadings.
4. The OA is disposed of with a direction to the respondents to consider the representations at Annexures-A-4 and A-5 along with medical certificate submitted by the applicant and

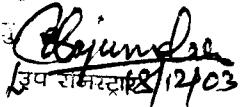
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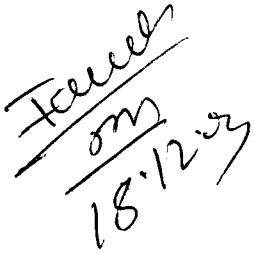
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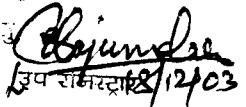
pass an appropriate and considered order. Since the representations are pending before the respondents, the respondents are directed to all the applicant to work at Khamaria till they take decision on the said representations. With the above observations the OA is disposed of. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

पृष्ठांकन सं अ/व्या..... जललक्ष्म, नि.....
परिवर्तित नामों द्वारा.....
(1) श. विजय विजय विजय विजय, नि. विजय
(2) श. विजय विजय विजय विजय, नि. विजय
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(4) श. विजय विजय विजय विजय, नि. विजय
सूचना उप अधिकारीक विवरणी द्वारा

S. Paul, Adv.


SKM
18.12.03


Bejunde
उप अधिकारी 18/12/03

SKM