

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.322 of 2002

Jabalpur, this the 4th day of November, 2003

Hon'ble Shri M.P.Singh-Vice Chairman

Kiran Kumar Parulkar, S/o late S.G.Parulkar,
aged about 52 years, Asstt.Accounts Officer
(AAO), R/o 56, Prem Nagar, Fort Road, Gwalior (MP)-APPLICANT
(By Advocate - Shri S.Paul)

Versus

1. Union of India, Through its Secretary,
Ministry of Defence (Finance), New Parliament
Street, New Delhi.
2. Controller General of Defence Accounts, West
Block No.5, R.K.Puram, New Delhi.
3. Controller, Defence Accounts, Air Force,
Dehradun (Uttaranchal).
4. Controller, Defence Accounts, Ridge Road,
Jabalpur (M.P.).
5. Local Audit Officer, Army, Gwalior (M.P.).
6. Local Audit Officer, Air Force, Maharajpur,
Gwalior (MP) - RESPONDENTS
(By Advocate - Shri K.N.Pethia)

O R D E R (Oral)

By filing this Original Application, the applicant
has sought the following ^{main}reliefs -

- "(i) set aside the transfer order dated 21.2.2002
Annexure-A-1 and also the relieving order
dated 11.3.2002 Annexure-A-6.
- (ii) command the respondents to consider and post
the applicant as AAO in the office of LAO,
Jhansi.
- (iii) consequently command the respondents to provide
all consequential benefits to the applicant
as if the impugned order dated 21.2.2002 is
never passed.

In alternatively

- (iv) It may kindly be declared that upon
transferring/joining at LAO(AF), Maharajpur,
Gwalior, the applicant's stations wise
seniority has broken down and applicant shall
be treated as junior most at Maharajpur for
the purposes of any further transfer of AAO".

2. The brief facts of the case are that the applicant
was working as Assistant Accounts Officer (for short 'AAO').
As per the methodology of transfer in Rules 368 to 371 of
Defence Accounts Department Office Manual Part-I a person
who has rendered service at the hard stations, option is
asked from him for the choice posting. It is alleged that
contd....2/-

the applicant has worked in the hard stations from 29.5.1977 to 9.12.1984 at Srinagar, from 10.12.1984 to 20.4.1992 at Maharajpur, and from 21.11.1992 to 1.1.1996 at Pachmarhi. The applicant gave his choice posting at Jhansi, ~~Bhutan~~ and Nepal but the respondents have transferred him from the office of LAO, Gwalior to LAO Maharajpur, which is under the organisation of CDA (AF) Dehradun. It is contended that although the applicant has been transferred to Maharajpur but he will remain in the same station at Gwalior and accordingly, in spite of transfer he will remain senior in Gwalior as Assistant Accounts Officer and this will expose the applicant for yet another transfer within a short time. The applicant feeling aggrieved with the transfer order had personally met the Deputy Controller General of Defence Accounts at Delhi and he was given assurance by the said authority that his grievances will be remedied departmentally. The applicant has stated that his continuance and fresh posting at the hard station is not only against the regulations but even otherwise is inhumatarian, and unjust, hence he has filed this OA.

3. The respondents in their reply have stated that at the applicant's own request he has not been transferred out of Gwalior. The applicant has not provided any documentary evidence to substantiate his meeting with the Dy. CGDA and the assurance given by the said authority, therefore, his statement cannot be accepted. According to the respondents for the purpose of transfer adjacent areas like Avadi/Chennai/Tambaram, Kamptee/Nagpur/Ambajhari, Gwalior/Maharajpur are considered and treated as one place i.e. Chennai, Nagpur and Gwalior so that the request for transfer of other volunteers can be considered and accommodated. The Central Government Departments cannot assure any officer to remain at his own choice stations for indefinite period.


4. Heard both the learned counsel at a great length and perused the pleadings very carefully.

5. It has been stated by the learned counsel for the applicant that he has been relieved and he has joined the new office at the same station. He has, however, submitted that ~~because~~ the applicant has not got his own choice i.e. one of the stations he has opted for transfer i.e. Jhansi, Bhutan and Nepal, and at the same time he will be treated as the senior most and will be considered for further transfer, within a short period. He also submitted that out of 29 years of his service, the applicant has served 20 years at the hard stations and, therefore, at the time of next consideration for transfer, he should not be treated as the senior most in the station and transferred to other place.

6. On the other hand, the learned counsel for the respondents submitted that the applicant's next transfer as and when due will be considered in accordance with the rules and guidelines on the subject.

7. It is noticed that the applicant had given his choice for postings to other stations as Jhansi, Bhutan and Nepal but his request has not been acceded to by the respondents. As claimed by the applicant, the applicant had spent 20 years of service out of his total 29 years, at the hard places. The applicant has also mentioned that he met the concerned officers at New Delhi and they have assured him to remedy his grievances. In this view of the matter we hope and trust that the respondents will favourably and sympathetically consider the request of the applicant and suitably adjust him at the appropriate place.

8. In view of the position stated above, this OA is disposed of. No costs.


(M.P. Singh)
Vice Chairman

rkv.

पृष्ठांकन सं ओ/न्या..... जचल/दि.....

प्रतिनिधि अयोगिन

(1) सचिव, उक्त न्यायालय वार 20/11/03

(2) सचिव, सी/श्रीमती/रु...

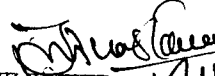
(3) सचिव, सी/श्रीमती/रु...

(4) सचिव, सी/श्रीमती/रु...

सूचना एवं आवश्यक कार्यवाही हेतु

S. Paul, H.U.

KN PETA, H.U.


11/10/03

Handwritten notes:
11/10/03