

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 116 of 2001

Jabalpur, this the 28th day of April, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.S. Shanghvi, Judicial Member

Shri Rajendra Singh
S/o Late Shri Bhikam Singh
Junior Hindi Translator
P.No.002467
Ordnance Factory Khamaria
Jabalpur.

APPLICANT

(By Advocate - Shri S.Paul)

VERSUS

Union of India Through

1. Secretary(DP&S)
Department of Defence
Production & Supplies
Ministry of Defence
South Block, New Delhi.
2. Chairman
Ordnance Factory Board
10A,S.K.Bose Road
Kolkata-1
3. General Manager
Ordnance Factory Khamaria
Khamaria, Jabalpur.

RESPONDENTS

(By Advocate - Shri P.Shankaran)

O R D E R (ORAL)

By A.S. Sanghvi, Judicial Member -

The applicant has approached this Tribunal with a prayer to quash the order dated 25.09.2000 passed by the respondent no. 3 and for a direction to the respondents to restore the post, status, seniority and pay of Senior Hindi Translator of the applicant and he be permitted to draw the transfer allowance, joining time etc. as admissible under the rules.

2. The applicant was working as Junior Hindi Translator in Gun Carriage Factory, Jabalpur and was promoted and posted as Senior Hindi Translator at Ordnance Factory Board, Calcutta. The applicant joined the new post on 28.2.2000 but finding difficult to stay in Calcutta, moved an application for reversion to his original post

in Gun Carriage Factory, Jabalpur. In view of his request made, the respondent no. 2 vide order dated 25.09.2000, directed deleting his name at serial no. 12 in the order of promotion and also issued the transfer order on reversion in favour of the applicant with immediate effect as Junior Hindi Translator in Ordnance Factory, Khamariya, Jabalpur. The grievance of the applicant is that he has not been permitted to draw transfer allowance, joining time etc, considering that the transfer was being made on his own request. But the transfer is not made as per his request. According to him the order passed by the respondent no. 2 is arbitrary inasmuch as he has not considered the fact that the applicant had asked for reversion to his original post at Jabalpur and had posted him in Ordnance Factory, Khamariya, Jabalpur. According to him since the order passed by the respondent no. 2 is not as per the request made by him, the order deserves to be quashed and set aside, and it be directed that he should be restored the post, status, seniority and pay of Senior Hindi Translator.

3. The respondents have maintained that on the request of the applicant, the impugned orders were passed and the applicant now cannot turn back and say that the orders passed were illegal or untenable. Since the orders were passed on the request of the applicant, the applicant was not entitled to claim any TA/DA or joining time etc. According to them the applicant has raised dispute over a trifling issue i.e. his posting to Ordnance Factory, Khamariya instead of Gun Carriage Factory, Jabalpur when both the Factories are in Jabalpur itself. They have prayed that the O.A. be dismissed with costs.

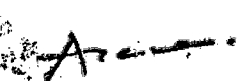
4. We have heard the learned counsel for both the parties and carefully perused the impugned orders.

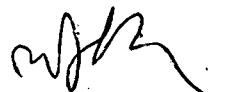
5. We find that there is some force in what the respondents have contended in their reply that the applicant has unnecessarily raised a dispute over trifling issue. It is an un-

disputed position that being uncomfortable at Calcutta, the applicant had sought reversion to his parent body and the authorities had acceded to his request. The grievance of the applicant is that he ought to have been posted in Gun Carriage Factory, Jabalpur and not in Ordnance Factory, Khamariya. On this, learned counsel for the respondents has pointed out that the Gun Carriage Factory, Jabalpur as well as Ordnance Factory, Khamariya are under the control of Jabalpur Unit and the Ordnance Factory, Khamariya is situated within the distance of 10 kms. only from Jabalpur.

6. The significant aspect of the matter is that the order of the respondent no. 2 reverting and transferring the applicant as Junior Hindi Translator is for posting at Jabalpur and hence the applicant was required to report at Jabalpur. His further posting would have been given as per the availability of the vacancies in the cadre of Junior Hindi Translator by the authority concerned. Hence, the applicant cannot be heard to make a grievance that he could not have been posted to Ordnance Factory, Khamariya when he had requested for reversion to his original post.

7. In view of the above discussion, we find no substance in the contention of the applicant and are of the opinion that the O.A. deserves to be rejected. We, therefore, reject the O.A. with no order as to costs.


(A.S. Sanghvi)
Member (Judicial)


(M.P. Singh)
Vice Chairman

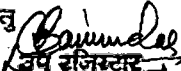
/na/

पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....
परिमितिति अउये तिथि:-

- (1) सचिव, जबलपुर, जबलपुर एम.एस.एल.न, जबलपुर
- (2)के कार्यालय
- (3)के कार्यालय
- (4) मध्यपाल,
सूचना एवं आवश्यक कार्रवाई हेतु

S. Paul
P. Shankaran

Issued
10.5.04


10/5/04