

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.253/2005.

Jaipur, this the 15th day of May, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

C. s. shekhawat
S/o Shri Jaimal Singh,
Aged about 52 years,
R/o 130, Kalyan Kunj,
Kalwar Road, Jhotwara,
Jaipur.

... Applicant.

By Advocate : Shri P. N. Jatti.

Vs.

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Defence,
New Delhi.
2. Engineering in Chief's Branch
Army Head Quarter,
New Delhi.
3. The Chief Engineer Head Quarter
South Command, Engineer Branch,
Pune 411 001.
4. The Chief Engineer, M.E.S.,
Jaipur Zone, Power House Road,
Bani Park,
Jaipur.

... Respondents.

By Advocate : Shri Kunal Rawat.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for
the following reliefs :-

"8.1 That by a suitable writ/order or the direction
the impugned order dated 8.3.2005 be quashed
and set aside and further the respondents be
directed to allow to work at Jaipur.

8.2 Any other relief which the Hon'ble Bench deems
fit."

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2. Briefly stated, the facts of the case are that the applicant while working as UDC at Jaipur was transferred to Udaipur vide impugned order dated 8.3.2005 (Annexure A/1). The grievance of the applicant is that the said transfer order has been made in violation of the policy decision inasmuch as the applicant has not completed his tenure at Jaipur. According to the applicant the impugned order of transfer has not been issued as per station seniority as well as satellite stations seniority as per policy. Further according to the applicant the posting has to be issued before the academic session and not in the middle of academic session. Further grievance of the applicant is that as against three civilian UDC/LDC which are surplus at ~~Jaipur~~ station posting order of 9 persons have been issued vide impugned order. It is further stated that there are several stations where UDC/LDC are serving on same station for 15 years, 20 years and in some cases more than 20 years. The applicant has also made representation to the appropriate authorities against this impugned transfer. It is on these basis, the present OA has been filed by the applicant for the aforesaid reliefs.

3. Notice of this application was given to the respondents. Respondents have filed reply in which they have stated that the representation of the applicant dated January 2005 is addressed to Engineer in Chief's Branch. It is further stated that as per Para 62 of the

Engineer in Chief's Branch guidelines dated 16.04.2003, contingencies may arise when the individual not being satisfied with the decision, may represent his case to DG (Pers)/E-In-C's Branch and moment of individual will not be held up on this account. It is further stated that in view of the aforesaid policy decision the applicant was asked to move Udaipur and it was stated that the representation will be forwarded to AGE, Udaipur. Thus, from the material placed on record, it is clear that the representation of the applicant against his impugned transfer is still pending. Further the respondents have categorically stated that the representation of the applicant shall be forwarded to the appropriate authority the moment he is taken on the strength of AGE, Udaipur. It is not disputed that the applicant had joined at Udaipur pursuant to the impugned order of transfer. Further from the material placed on record it is clear that the representation of the applicant has not been decided and it is still pending. Learned Counsel for the applicant submits that he will be satisfied at this stage if a direction is given to the respondents to consider his representation by passing speaking and reasoned order.

4. Accordingly, the respondents are directed to decide the representation of the applicant regarding his impugned transfer to Udaipur by passing speaking and reasoned order within a period of one month from the date

of receipt of a copy of this order and intimate the decision to the applicant within a period of 15 days from the date of taking of such decision and in case the applicant still aggrieved, it will be open for him to reagitate the matter. It is made clear that this Tribunal has not gone into the merit of the case and the OA has been decided on the basis of the stand taken by the respondents that the representation of the applicant shall be considered once he joins AGE-I Udaipur.

5. With these observations, the OA is disposed of with no order as to costs.



(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./