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**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

04.01.2007

OA No. 494/2006

Mr. P.N. Jatti, counsel for applicant.
Mr. Col. Satya Pal, Director Recruiting, ARI Alwar,
Departmental representative for the respondents.

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA is
allowed.

*Replied
in
Principle*
(J.P. SHUKLA)

MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the January 4th, 2007

ORIGINAL APPLICATION NO. 494/2006

CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. J.P. SHUKLA, MEMBER (ADMINISTRATIVE)

Mahaveer Prasad son of Shri Prabhu Dayal aged about 46 years, resident of Plot No. 79, Moongas Ka, Jawahar Nagar, Delhi Road, Alwar, presently working as Gardner in the office of Branch Recruiting Office (BRO), Alwar.

By Advocate: Mr. P.N. Jatti

....Applicant

Versus

- 1 Union of India through its Secretary to the Government of India, Ministry of Defence, New Delhi.
- 2 Additional Director General of Recruiting, Army Headquarters, Block III, R.K. Puram, New Delhi.
- 3 Director, Saina Bharti Adhikari, Rajasthan Zone, Chomu Pulia, Near Ambawadi, Jaipur.
- 4 Branch Recruiting Officer, Manglancer, Saina Bharti Offie, Alwar.

By Col. Mr. Satya Pal, Director Recruiting, ARO, Alwar.

....Respondents.

ORDER (ORAL)

Applicant has filed this OA thereby praying for the following reliefs-

- (i) That by a suitable writ/order or the direction the impugned order dated 21.11.2006 be quashed and set aside.
- (ii) Any other relief which the Hon'ble Bench deems fit.

2. Notice on this application was issued on 21.12.2006 returnable within a period of two weeks. Notice was confined only to the extent as to whether the applicant can be adjusted till 31.05.2007 as academic session of three children of the applicant will be effected who are studying at Alwar. In the meanwhile, This Tribunal also granted ex parte stay thereby directing that the respondents shall maintain status quo as on date as according to the applicant he has not been relieved till date.

3. Today, Col. Mr. Satya Pal, Director Recruiting, ARO, Alwar, is present in the court. He has produce the copy of the reply. In the reply, it has been stated that the applicant was ordered to proceed on posting to ARO, Jhunjhunu vide Headquarters Recruiting Zone, Jaipur Letter No. 1404/Civ/E dated 14.06.2003. However, the applicant was directed to report to Alwar on 12.04.2005. It is further stated that the applicant made a request to hold his posting till the academic session. Accordingly his request was accepted and ordered to move in April, 2006. It is further stated that applicant has been given verbal notice thereby intimating him to move to Jhunjhunu but he always on one pretext or the other requested to give sometime.

Thus according to the respondents the request of the applicant cannot be accepted.

4. We have heard the learned counsel for the applicant and the Departmental representative for the respondents and have gone through the material placed on record. We are of the view that though the applicant has been given many opportunities by the Administration to proceed on account of his transfer order but since the prayer of the applicant is confined upto his retention till 31.05.2007, we are of the view that it will in the interest of justice, if the applicant is not relieved till the academic session of his three children who are studying at Alwar i.e. upto 31.05.2007.

5. Accordingly, the respondents are directed not to relieve the applicant till 31.05.2007. It is made clear that applicant shall in any case report for duty at ARO Alwar in the first week of June, 2007 for his further posting at BRO, Jhunjhunu.

6. With these observations, the OA is disposed of at admission stage.



(J.P. SHUKLA)

MEMBER (A)



(M.L. CHAUHAN)

MEMBER (J)

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