

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

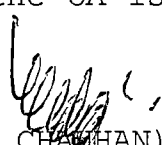
ORDERS OF THE TRIBUNAL

09.04.2008

OA No.109/2008

Mr. Rajendra Soni, counsel for the applicant

Heard the learned counsel for the applicant. For the reasons dictated separately, the OA is disposed of at admission stage.


(M.L. CHAWHAN)
Judl. Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 9th day of April, 2008

ORIGINAL APPLICATION No.109/2008

CORAM:

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

Sonawane U.D.
s/o Shri Sonawane D.B.
r/o Fupanigari,
Distt. Jalgaon (Maharashtra),
at present working as Garrison Engineer,
Military Engineering Service,
Itarana,
Alwar

.. Applicant

(By Advocate: Shri Rajendra Soni)

Versus

1. Union of India through its Director, General (Pers), E-in-C's Branch, Military Engineer Service Integrated HQ of MOD (Army) DHQ, PO, New Delhi-11
2. Chief Engineer, South West Command, Army Contonment, Jaipur (Raj).
3. Chief Engineer, Jaipur Zone, Power House Road, Jaipur (Raj.)

.. Respondents

(By Advocate:)

WQ

O R D E R (ORAL)

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

"It is, therefore, respectfully prayed that the entire record relating to this case may kindly be called for and after perusing the same the impugned order dated 14/2/2008 be quashed and set-aside being contrary to Cadre Management of MES Civilian Officers Guidelines, 2003 with all consequential benefits.

Any other order which this Hon'ble Tribunal may deem think fit and proper be passed in favour of the applicant."

2. Facts of the case, so far relevant for decision of this case, are that the applicant was promoted as Executive Engineer vide order dated 25th August, 2006 and he joined as Garrison Engineer on 11th September, 2006. The grievance of the applicant is regarding his posting vide order dated 14.2.2008 whereby he has been transferred before completing the tenure in contravention of Para 8 and 36 of the Cadre Management Policy for MES Civilian Officers Guidelines as issued vide order dated 1st July, 2006. As per Para 8 of the said policy tenure of Garrison Engineer will be upto 3 years duration. However, such tenure can be curtailed/extended on the specific approval of the E-in-C/DG (Pers). Admittedly, the applicant has completed a period of 1 year and 5 months when the impugned order dated 14th February, 2008 (Ann.A1) was passed. However, Para 36 of the said policy stipulates the situation whereby the period of tenure can be

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extended/curtailed. Since transfer of the applicant was made in violation of the aforesaid policy, the applicant has also made a representation to the Director General (Pers) vide letter dated 24.3.08 (Ann.A5). The learned counsel for the applicant submits that no such decision ^{on his representation} has been taken by the respondent No.1. till date.

3. I have heard the learned counsel for the applicant at admission stage. I am of the view that since representation of the applicant is pending for consideration before the higher authority and prima-facie the applicant has made out a case that his transfer has been made in violation of the provisions contained in Para 8 read with Para 36 of the Cadre Management Policy for the Civilian Officers, I am of the view that the matter can be disposed of at admission stage with direction to the respondent No.1 to consider the case of the applicant in view of the averment made in the representation and decide the same by passing reasoned and speaking order and till such decision is not taken, the respondents can be restrained from giving effect to the impugned order dated 14.2.2008 so far as it relates to the applicant. Ordered accordingly.

4. With these observations, the OA shall stand disposed of at admission stage.

5. Needless to add that in case the applicant is aggrieved by the order to be passed by respondent No.1 on his representation, it will be open for him to file substantive OA and disposal of this OA will not come in the way of the applicant to challenge such order.



(M.L. CHAUHAN)
Judicial Member

R/