

Central Administrative Tribunal  
Jaipur Bench, JAIPUR

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ORDERS OF THE BENCH

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28th July, 2009

OA.316/2009

Present: Shri Brij Sharma alongwith Sh.Amit Mathur, counsel for  
applicant

Heard counsel for the applicant.

For the reasons to be dictated the OA stands disposed of.

  
(M.L.Chauhan)  
Member (Judicial)

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Central Administrative Tribunal  
Jaipur Bench, JAIPUR

OA. 316/2009

This the 28th day of July, 2009

**Hon'ble Shri M.L. Chauhan, Member (Judicial)**

B.S. Verma S/o late Shri Lala Ram  
Aged about 50 years,  
R/o 125/1, Officer Enclave,  
Itarana, District Alwar,  
Presently working as A.E.E/M, Garrison Engineer  
Alwar, (Rajasthan)

.....Applicant

(By Advocate:Shri Brij Sharma alongwith Sh.Amit Mathur )

***V e r s u s -***

1. Union of India through Secretary, Ministry of Defence, New Delhi
2. Director General, Personnel /C 1 B, Engineer in Chief Branch, Integrated Head quarter of Ministry of Defence(Army)  
New Delhi.
3. Chief Engineer, CWE, Jaipur Zone, Jaipur

..... Respondents

**O R D E R (ORAL)**

Applicant has filed this OA against the order dated 24.12.2008 Annexure A/1 whereby applicant, whose name find place at Sr. No. 5 of the impugned order, has been transferred from GE Alwar to CE SWC Jaipur as AAD.

Case of the applicant is that he was transferred GE, Alwar from Charduar, Assam where he has joined on 19.4.2008.. Thus, it was not permissible for respondents again to transfer the applicant after short period of 8 months especially when he has not completed his

normal tenure of posting at one station and also that he was given choice posting after serving in counter insurgency operational area as well as remote area. Applicant has further stated that he has also made representation to the authorities concerned i.e. Director General. Pers/ E1B, Military Engineer Services, Engineer-in-Chiefs Branch Integrated HQ of MOD(Army), New Delhi(Respond No.2) vide his letter dated 21.1.2009 Annexure A/3 which has not been decided so far.

It is further stated that his case has also been recommended by the subordinate authorities for cancellation of his transfer and also to the effect that applicant can not be relieved unless some substitute is provided but nothing has been heard from the higher authority. Applicant has also pointed out certain personal difficulties. It is categorically stated that the impugned order has not been given effect to till date as such the applicant has not been relieved so far.

In view of what has been stated above and the fact that representation of the applicant Annexure A/3 is still pending before the respondents No.2 and the same has not been decided so far, I am of the view that it will be appropriate and in the interest of justice if appropriate directions is given to the respondents No.2 to decide representation of the applicant at the first instance. Accordingly, respondent No.2 is directed to decide the representation of applicant dated 21.1.2009 expeditiously by passing reasoned and speaking order. Till such representation is not decided by respondent No.2, applicant shall not be relieved pursuant to the impugned order dated 24.12.2008 Annexure A/1.

With these observations, the present OA shall stand dispose of at the admission stage.

Registry is directed to send a copy of this order to the respondent No. 2.



**(M.L.Chauhan)**  
**Member (Judicial)**

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