

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

29.10.2009

OA No.476/2009

Mr. C.B.Sharma, counsel for applicant

Heard the learned counsel for the applicant.

For the reasons dictated separately, the OA stands disposed
of.



(M.L.CHAUHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 29th day of October, 2009

ORIGINAL APPLICATION No.476/2009

CORAM:

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

Krishan Gopal Verma
s/o Shri Manak Chand,
r/o 37-A, 18/6, Madhu Nagar,
Agra and at present working as
Lower Division Clerk,
Rashtriya Military School,
Dholpur (Raj.)

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through its Secretary to the Govt. of India, Department of Defence, Ministry of Defence, New Delhi.
2. Director General of Military Training (M.T.-15, General Staff Branch, Internal Head Quarters of Ministry of Defence (Army), New Delhi.
3. Principal, Rashtriya Military School, Dholpur (Rajasthan)

... Respondents

(By Advocate: -----)

ORDER (ORAL)

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



- i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to allow posting to the applicant at Agra after considering request of the applicant by quashing letter dated 1/7/2009 (Annexure A/1) with all consequential benefits.
- ii) That the respondent No.3 be directed to give similar treatment to the applicant, as allowed to other staff in the past in the matter of posting/transfer on compassionate ground.
- iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- iv) That the costs of this application may be awarded.

2. I have heard the learned counsel for the applicant at admission stage. I am of the view that no mandatory direction can be given to the respondents to consider the case of the applicant for posting at Agra. Who should be posted where is the matter to be decided by the administrative authorities in the exigency of service. Further, the applicant has not made out any case for his posting on transfer even on the basis of the OM dated 2.2.1989. Since the applicant has got no legal right to be posted at a particular place and terms and conditions of his appointment as well as conditions of service stipulate that the employee can be transferred at any place, no mandamus can be issued. Needless to add that in case the applicant is able to make out a case in terms of OM dated 2.2.1989, in that eventuality, he may make a representation to the appropriate authority and I see no reason why



the appropriate authority will not consider the matter sympathetically.

3. With these observations, the OA stands disposed of at admission stage.



(M.L.CHAUHAN)

Judl. Member

R/