CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH

O.A. No.060/01036/2014 **Decided on: 18.11.2014**

Coram: Hon'ble Mr. Sanjeev Kaushik, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

MES No. 316683, Surender Singh, s/o Sh. Daya Nand, age 34 years, working as Civilian Motor Driver, Ordinary Grade (CMD-OG) in the office of Commander Works Engineer (P), Hissar.

.....Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.

2. Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Headquarters of MoD (Army), Kashmir House, DHQ, PO, New Delhi.

3. Headquarter, Chief Engineer, South Western Command, C/o 56 APO.

4. The Commander Works Engineer (P), Hissar (Haryana).

.....Respondents

Present: Mr. D.R. Sharma, counsel for the applicant

Order (Oral)

By Hon'ble Mr. Sanjeev Kaushik, Member(J)

1. The present O.A. has been filed by the applicant challenging the order dated 28.10.2014 whereby the applicant has been transferred from CWE Hissar to CWE Mathura, claiming the same to be illegal and arbitrary.

2. In support of his claim, learned counsel for the applicant submits that the impugned transfer order is against the transfer policy, particularly para 56 thereof which provides that in case the staff is rendered surplus, the re-adjustment will be carried out by posting out the longest stayee in the station but the respondents have adopted the policy of pick and choose by ignoring number of longest stayees than the applicant in shifting him. Learned counsel states that the applicant has already submitted a representation dated 31.10.2014 (Annexure R-3) which has not been decided till date. He further submits that in an identical matter (O.A. 060/00983/2014 decided on 05.11.2014), this Court directed the respondents to decide the representation and to keep the transfer order in abeyance till the disposal of the representation. He prays that this O.A. may be disposed of with the similar directions.
3. In view of the above, there is no need to issue notice to the respondents and call for their reply as the applicant is simply asking for a direction to decide his representation which the respondents are otherwise duty-bound to do. Moreover, non-issuance of notice will not, in any manner, prejudice the interests of the respondents as they have not yet taken a view on the representation filed by the applicant.
4. Accordingly, the O.A. is disposed of, with a direction to the respondents to consider the representation (Annexure A-4) within

15 days from the date of receipt of a certified copy of the order. The impugned transfer order shall be kept in abeyance qua the applicant herein, if he has not already been relieved of, till the disposal of his representation. In case he has already been relieved, there is no need to retain him at Hissar.

5. Needless to say that we have not expressed any opinion on the merits of the case and the respondents are free to take an independent decision in the matter, in accordance with the relevant transfer guidelines.
6. No costs.

Uday Kumar Varma

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: Chandigarh
Dated: 18.11.2014

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