

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A No. – 060/00011/2014 Date of decision- 07.01.2014

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARMA, MEMBER (A)**

Mohinder Kumar Walia Son of late Sh. Sarup Chand Walia, aged 57 years, working as Assistant Engineer, Office of Garrison Engineer (N), Mamun.

...APPLICANT

BY ADVOCATE: Sh. Arvind Moudgil.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Engineer in Chief, Army Headquarters, New Delhi.
3. Commander Works Engineer, Mamun.
4. Chief Engineer, Headquarter Pathankot Zone, Pathankot.

...RESPONDENTS

BY ADVOCATE: Sh. Deepak Agnihotri

ORDER (ORAL)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

1. The matter is taken up for hearing after a mention having been made by learned counsel for the applicant on the ground of urgency.

2. By means of present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has impugned the order dated 06.11.2013 (Annexure A-1) and order dated 19.12.2013 (Annexure A-2) whereby he has been transferred from Mamun to Udampur and the request for cancellation thereof has been rejected.

3. In support of the plea, Sh. Arvind Moudgil learned counsel for the applicant vehemently argued that vide order dated 06.11.2013, 60 persons including the applicant were transferred. The said order was subsequently kept in abeyance by the respondents by passing order dated 06.12.2013 in which names of 32 officers are mentioned out of 60 officers. The name of the applicant is also mentioned in the list at S.No. 25. However, vide order dated 19.12.2013, the applicant was informed that his request for cancellation of transfer order was considered but not agreed to and the applicant has been ordered to be relieved. He further submitted that the applicant is Diabetics patient so he had requested the respondents to post him in any one out of his three choices i.e Chandigarh, Pathankot and Dalhousie. He submitted that the applicant is going to retire in 2017, his case can be considered under the last leg posting of, as per the policy applicable in the respondent department.

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4. He also contended that in the same order dated 19.12.2013, the respondents have also given liberty to the applicant to move a separate application, as per policy guidelines either for compassionate or last leg posting for consideration of 'Board of Officers' (in short BOO) whenever due. He made a statement at the bar that the applicant would be satisfied if he is permitted to file a representation to the authorities within a period of one week from the date of receipt of certified copy of this order, upon which, the respondents may be directed to decide the same in a time bound manner and till then the operation of the impugned orders dated 06.11.2013 and dated 19.12.2013 qua applicant may be stayed.

5. Sh. Deepak Agnihotri learned Senior Central Government Standing Counsel who is having advance notice, puts in appearance on behalf of the respondents. He has accepted the contention raised by the learned counsel for the applicant. He, however, prays that 15 days time may be granted to the authorities to decide the matter, after the submission of the representation by the applicant.

6. On the consensual agreement between the parties and without going into the merits of the case, we dispose of the present Original Application with an observation that the applicant would submit a representation to the respondent-department within a period of seven days from the date of receipt of certified copy of this order

and the competent authority, amongst the respondents is directed to decide such representation and pass an appropriate and speaking order supported with reasons within a period of 15 days thereafter. The order so passed be duly communicated to the applicant. In the meantime, operation of the impugned orders dated 06.11.2013 and dated 19.12.2013 qua applicant shall stand stayed. No costs.

7. **Dasti.**

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 07.01.2014.

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