

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A No 060/00594/2014

Date of decision -16.07.2014

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE Dr. BRAHM A. AGRAWAL, MEMBER (J)**

H.S. Bhatia, aged 52 years S/o Late Sh. Saminder Singh Bhatia, presently posted as Joint General Manager, Ordnance Cable Factory, 183, Industrial Area, Chandigarh, resident of House No. 324, Phase IV, Mohali.

...APPLICANT

BY ADVOCATE: Sh. R.K. Sharma.

VERSUS

1. Union of India through Secretary to Govt. of India, Ministry of Defence, New Delhi.
2. Ordnance Factory Board, 10-A, Shaheed Khudiram Bose Road, Kolkata-700001, through its Chairman.
3. Director General-cum-Chairman, Ordnance Factory Board, 10-A, Shaheed Khudiram Bose Road, Kolkata-700001.
4. General Manager, Ordnance Cable Factory, 183-Industrial Area, Phase I, Chandigarh-160002.

...RESPONDENTS

ORDER

HON'BLE MS. RAJWANT SANDHU, MEMBER (A) :-

In this Original Application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought the following relief:-

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- "i) Quash order No. 381/4262/A/G dated 13.06.2014, copy Annexure A-1, whereby applicant has been ordered to be transferred from Ordnance Cable Factory, Chandigarh to Ordnance Factory Project, Nalanda (Bihar) without following Transfer Policy and by adopting pick and choose policy during the mid session of the studies of the son of the applicant.
- ii) Quash order No. 381/A/G dated 11.07.2014, copy annexure A-2, whereby representation of the applicant has been treated to be disposed of without considering the same and without meeting the points therein;
- iii) Issue directions to the respondents to allow the applicant to continue at his present place of posting till completion his tenure in terms of Transfer policy."

2. Averment has been made in the Original Application that the applicant is working as Joint General Manager, Ordnance Cable Factory, Chandigarh since December, 2012. The respondents have framed a policy on Deployment of Group 'A' Officers in Ordnance Factories and copy of the same has been annexed as Annexure A-4. In terms of this policy, the Technical Officers of JAG level, (to which applicant belongs) will have minimum tenure of 5 years and maximum 9 years. Through impugned order dated 13.06.2014, the applicant had been ordered to be transferred from 'OCFC to 'OFPN' (Nalanda). It has been claimed in the O.A that the applicant finds it difficult to comply with the impugned transfer order since his wife is working as Scientist B in Bureau of Indian Standards, Industrial Focal Point, Mohali, and his younger son is studying in B.E 3rd Year at PEC University of Technology,

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Chandigarh (Annexure A-6). He has also to look after his 84 year old mother. The wife and son of the applicant are also suffering from serious medical problems and getting regular treatment at PGI, Chandigarh.

3. It is further stated that the applicant had represented against the transfer order mentioning the points as stated above. However, as per FAX dated 11.07.2014 (Annexure A-2), he had been ordered to be released on transfer and para 2 of this communication read as follows:-

"02. You may release the above named officer(s) positively by 21.07.2014. F.O. Part II/D.O. Part II may be issued immediately and a copy of the same may be forwarded to OFBHQ at the earliest. Any representation regarding review of pending order may be treated as disposed of."

From this, it was evident that representation filed by the applicant had not been considered. Hence, this O.A.

4. When the matter came up for hearing at admission stage, Sh. R. K. Sharma, learned counsel for the applicant drew attention to the contents of the Annexure A-2 stating that from the same, it was evident that respondent-department had disposed of the same without due consideration of the representation of the applicant. He submitted that his client would be satisfied with direction to the respondents to consider his representation

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regarding his transfer and decide the same in time bound manner through a reasoned and speaking order.

5. Keeping in view the facts and grounds taken in the O.A and submission made by learned counsel for the applicant, the present O.A is disposed of with a direction to the respondent-department to decide the representation of the applicant by passing a reasoned and speaking order, within a period of one month from the date of receipt of a certified copy of this order being served upon respondents. Meanwhile, order dated 11.07.2014 (Annexure A-2) may be held in abeyance qua applicant. If the decision of the respondents is adverse to the applicant, the same may be implemented only after two weeks of issue of the same and meanwhile, the applicant shall have liberty to approach appropriate judicial forum in this regard if so advised.

6. O.A stands disposed of accordingly. Needless to mention, we have not expressed any view regarding the merits of the claim in the O.A. No costs.

7. **Dasti.**


(RAJWANT SANDHU)
MEMBER (A)


(DR. BRAHM A. AGRAWAL)
MEMBER (J)

Dated: 16.07.2014

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