

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(orders reserved on 14.10.2014).**

O.A.NO. 060/00704/2014 Date of order: ---- 16.10.2014.

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

H.S.Bhatia 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: - Mr. 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

(By Advocate: Mr. Deepak Agnihotri).

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ORDER

Hon'ble Mr. Uday Kumar Varma, Member (A):

In the instant case, the applicant is seeking quashing of an order of transfer from Ordnance Cable Factory, Chandigarh to Ordnance Factory Project, Nalanda (Bihar). His plea for the relief is based on the following; - i) that his wife who is working in Bureau of Indian Standards and presently posted in Mohali, cannot be transferred to Nalanda as there is no office of the Organization in which his wife is working, ii) that his son is studying in B.E. 3rd year (Materials & Metallurgical Engineering) at PEC University of Technology, Chandigarh and his studies will be completed in June 2015, iii) that his son has undergone a complicated eye operation and is recovering from this operation, iv) that he has to take care of his old mother. He has further contended that the respondents have rejected his previous representations, the latest being dated 30.8.2014. He has contended that the respondents have not considered the grounds he has taken for cancellation of his transfer order and without considering them have rejected his representation.

2. The applicant has been posted at Chandigarh since 25.7.2012 and has already completed two years & three months at the

current station. Prior to that, he has all along been in and around Delhi. He was on deputation from 16.12.2002 to 14.9.2006 at Delhi and has also been posted to Ordnance Factory Muradnagar, a place in close vicinity to Delhi for another six years from 16.9.2006 to 23.7.2012.

3. The respondents while considering his representation in their order have recorded that the applicant has been recruited as a Specialist in Chemical stream, but has generally been posted in non-chemical factories. The respondents have stated that out of 22 years, the applicant's total service career, he has been virtually away from core competency area for more than 12 years and posted to more than non-chemical factories like OCF and now the department having accommodated him so much in the past expects the applicant to serve in a chemical /explosive unit especially when such a unit is in critical need of senior and experienced officers from that stream.

4. In normal circumstances, we are reluctant to interfere in the transfer orders particularly when it looks like avoiding responsibilities and duties assigned to the employee, which he is supposed to carry out with full sincerity and commitment. It is particularly so in this case because the applicant occupies a sensitive, senior and responsible position in the organization.

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5. However, in this case, we find that in spite of our earlier directions, the respondents have not taken into account all the facts and factors which the applicant wishes to bring to the notice of the respondents.

6. In view of the above, and to ensure that justice is meted out to the applicant, the applicant is directed that if he so wishes he may file a comprehensive representation including all the facts and factors he wishes to bring to the notice of the respondents with credible evidence in support of such facts and factors, to the respondents within three working days from the receipt of this order. The respondents are directed to take a considered and objective view on the representation so made within 15 days of receipt of the representation. While considering the representation, the respondents are free to seek any further evidence or documents, which they feel necessary in order to ascertain the claims of the applicant and pass a reasoned and speaking order in the light of relevant rules and regulations.

7. Interim order granted on 20.8.2014 will operate in favour of the applicant only till the decision by the respondents on the representation if made by the applicant. If the applicant does not

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move the representation in the stipulated time, the interim stay granted in this case will stand vacated automatically.

8. The OA shall stands disposed of in terms of above directions. We must further clarify that this direction does not in any way reflect or represent our opinion on the merits of the case and must not influence the respondents in any manner except to abide by our directions to consider and take a decision on the representation made by the applicant within the stipulated time prescribed to them.

9. No costs to either party.

Uday Kumar Varma
(UDAY KUMAR VARMA)
MEMBER (A).


(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 16.10.2014.

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