

**Central Administrative Tribunal
Principal Bench
New Delhi**

RA No.191/2016
In
OA No.3628/2015

New Delhi this the 23rd day of September, 2016.

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Sukhveer Singh,
Assistant Chemical Examiner,
H.No.C-177/G-2, Ramprastha Colony,
Ghaziabad.

-Applicant

-Versus-

1. Union of India through
Secretary,
Deptt. of Revenue, Ministry of Finance,
North Block, New Delhi.
2. Dr. Y.S.K. Rathore,
Director, Head Qtr.
Central Revenue Control Laboratory,
Pusa, N. Delhi-12.

-Respondents

O R D E R (By Circulation)

Mr. K.N. Shrivastava, Member (A)

This Review Application (RA) has been filed by the review applicant under Section 22 (3) (f) of the Administrative Tribunals Act, 1985 read with Order XLVII, Rule (1) of the Civil Procedure Code, 1908, seeking review of this Tribunal's order dated 16.08.2016 passed in OA no.3628/2015.

2. The review applicant (applicant in the OA) is an Assistant Chemical Examiner working under the respondent organization, viz. Central Revenue Control Laboratory (CRCL) which comes under the administrative control of Department of Revenue, Ministry of Finance, Government of India. The applicant, at the relevant point of time, was posted at Neemuch and due to his personal circumstances, he had requested the respondent no.2 for his transfer to Delhi, which was declined. The applicant filed the said OA praying therein, *inter alia*, to direct the respondents to consider his case for transfer to Delhi. The Tribunal disposed of the said OA vide order under review with the following observations:

“10. The applicant is, therefore, required to first go and join at the transferred place and thereafter he can represent to his higher authorities against the said transfer.”

2.1 It is stated in this RA that the applicant had already joined at the transferred place, i.e., Kolkata even before the date of arguments, i.e., 26.07.2016. The applicant states that there is an error apparent on the face of the record in view of the fact that he had already joined at his transferred place, i.e., Kolkata, whereas the operative part of the Tribunal's order says that he should first join at the transferred place and then make a representation to his higher authorities against the said transfer. He further states that the factum of his joining at the transferred place Kolkata

could be seen at Annexure A-5 of the OA. He has further stated that in view of this fact, the order of the Tribunal needs to be reviewed. He has also submitted that his 76 years' old mother is ailing and that his transfer to Kolkata is against the transfer policy of the department. He has, therefore, prayed for review of the Tribunal's order and for grant of the prayers made in the OA.

3. We have gone through the RA and have also perused the Annexure A-5 of the paper-book relating to OA No.3628/2015. We find that the Annexure A-5 is a letter of the applicant to respondent no.2 in the OA, wherein, at para-5, he has said as under:

“Sir, in the light of above fact and circumstances of the case, the above transfer orders are not above board by any parameter and hence I may challenge the same before the appropriate forum in the interest of equity and justice. I shall therefore, be joining my new posting at Kolkata under protest.”

4. From the Annexure A-5 it is quite apparent that the applicant had not yet joined at the transferred place when he wrote Annexure A-5 letter to respondent No.2 on 16.09.2015. Further, during the course of the arguments on 26.07.2016, the learned counsel for the parties did not bring it to our notice that the applicant had already joined at the transferred place. Be that as it may, now since the applicant had already obeyed the transfer order, he can represent to the appropriate authority in the

respondent-organization for his transfer to Delhi; liberty for which has already been granted by this Tribunal in the order under review.

5. In view of the discussions in the pre-paras, we do not consider that there is any apparent error on the face of the Tribunal order. As such, no review is called for of our order dated 16.08.2016 in OA No.3628/2015. The RA is dismissed in circulation.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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