

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1168/2017

Reserved on 06.04.2017
Pronounced on 11.04.2017

Hon'ble Mr.P.K.Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Sumit Kumar, JE (QS&C), Group 'C',
MES-327180,
Aged about 34 years,
S/o Sh. Laxman Singh,
R/o RZ -26P/160 Indra Park Extn.,
Street No.4, Palam Colony,
New Delhi-110045.

.... Applicant

(By Advocate: Mr. M.K.Bhardwaj)

VERSUS

1. Union of India
Through Secretary,
Ministry of Defence, South Block,
New Delhi.
2. The Engineer in Chief,
E-in-C Branch,
Integrated HQ of MOD (Army),
Kashmir House, Rajaji Marg,
New Delhi-110011
3. The Directorate General (Personal) EIB
Engineer-in-Chief's Branch,
Integrated HQ of MOD (Army),
Kashmir House, Rajaji Marg,
New Delhi-110011
4. The Chief Engineer,
Headquarters,
Western Command,
PIN 908543, C/o 56 APO.

... Respondents

(By Advocate: Mr.Gyanendra Singh)

ORDER

(Hon'ble Mr. P.K.Basu,Member (A)):

We have already discussed the issue raised in this OA while disposing of OA No. 1167/2017 and dismissed the OA in limine. In this case, however, there is an additional ground that the applicant has

taken, namely, that applicant's wife is serving as Senior Nursing Sister under Employees State Insurance Corporation (ESIC) under Ministry of Labour and presently posted in Delhi and according to DOPT OM instructions dated 30.09.2009, the respondents have to give weightage to such cases and try and post husband and wife at the same place as far as practicable. It can be nobody's case that the husband and wife have to be kept at the same place for all times to come. As in that case the respondents would never be able to transfer the applicant outside Delhi which would be prejudicial to his colleagues. Therefore, this argument is rejected as this cannot be a ground for stay/cancellation of transfer specifically under the circumstances that the applicant has not gone for a tenure posting and has been in Delhi since 2009. OA is, therefore, dismissed in limine.

(Dr.Brahm Avtar Agrawal)
Member (J)

(P.K.Basu)
Member (A)

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