

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA 1339/2017

Reserved on: 24.04.2017
Pronounced on: 25.04.2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)**

Pawan Jindal, General Secretary
All India DGQA Engineers Association
Room No.115, 'G' Block,
New Delhi-110011 ... Applicant

(Appeared in person)

Versus

1. Union of India
Through Secretary (DP)
Ministry of Defence,
Govt. of India, South Block,
New Delhi-110011
2. The DGOS,
Directorate General of Quality Assurance
Room No.308-A, D-Wing, Sena Bhawan,
New Delhi-110011
3. The Addl. DGOA (V)
HQ, DQAV, Room No.87 'G' Block
DHQ PO New Delhi-110011
4. The Finance Secretary and Secretary Exp.,
Room No.129-A, North Block,
New Delhi-110011

.... Respondents

ORDER

Mr. P.K. Basu, Member (A)

This OA has been filed by Shri Pawan Jindal, Assistant Engineer, Quality Assurance in Directorate General of Quality Assurance (DGQA) under Ministry of Defence.

2. The respondents-DGQA vide order dated 24.03.2017 have transferred 106 Assistant Engineers in Phase I to be implemented by 24.04.2017 and 87 in Phase II, to be implemented by 30.06.2017.

3. The applicant appears in the first list at serial 49. He has prayed for the following reliefs:

- (a) This Tribunal may please quash the impugned order No.B/87339/SC/DGQA/Veh-1 dated 24 Mar 2017 of respondent no.4 as order of permanent posting/ transfer is vitiated by malafides, arbitrary, illegal and discriminatory or/ and is made in violation of statutory provisions, the authorities, who issued the order, had not the competent to pass the order so far as transfer/ permanent posting of Assistant Engineers and Junior Engineers is concerned.
- (b) Direct the respondents to produce all the records of the case along with their reply for perusal by this Tribunal.
- (c) Allow the cost of this application to the applicant.

4. Applicant, while presenting his case, stated that he has applied as General Secretary, All India DGQA Engineers Association in his own behalf as well as on behalf of the Association for quashing of the whole transfer order dated 24.03.2017. However, it is clearly an application on his own behalf.

5. The prayer in the OA is for quashing of the transfer order dated 24.03.2017. The application does not make it clear, even in the applicant's case, why his transfer needs to be cancelled.

Needless to say, this OA is not maintainable as the applicant has failed to satisfy this Tribunal why his transfer should be quashed and secondly, he has no locus standi as an individual to question the transfer of other officials. In any case, this is not an individual transfer and it is a rotational transfer, which is undertaken every year and large number of people have been transferred. This is an attempt by the applicant to derail the smooth functioning of the organization and waste precious judicial time and man power.

6. The Hon'ble Supreme Court in **S.C. Saxena Vs. Union of India & Ors.**, 2006 SCC (L&S) 1890 has settled the law on transfer as follows:

“6. We have perused the record with the help of the learned counsel and heard the learned counsel very patiently. We find that no case for our interference whatsoever has been made out. In the first place, a government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed.”

7. There is no ground why the Tribunal should interfere in the matter. The OA is, therefore, dismissed. We impose a cost of Rs.10,000/- on the applicant to be paid to the respondents within a month.

(P.K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

/dkm/

