

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-3759/2016

New Delhi, this the 09th day of November, 2016.

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)

G.K. Jha, age 51 years,
Working as Director,
HQ CE Leh Zone
PIN-901205, C/o 56 APO

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Applicant

(By Advocate : Sh. Rajiv Manglik)

Versus

1. Union of India,
Through Secretary (Defence),
Ministry of Defence,
South Block, New Delhi.
2. Engineer-in-Chief,
Engineer-in-Chief's Branch,
Integrated HQ of MOD (Army),
DHQ PO, New Delhi-110011.
3. Director General (Pers),
Engineer-in-chief's Branch,
Integrated HQ of MOD (Army),
DHQ PO, New Delhi-110011.

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Respondents

(By Advocate : Sh. Gyanendra Singh)

ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli

Issue notice. Sh. Gyanendra Singh appears and accepts notice.

2. The applicant is Superintending Engineer. Vide order dated 24.06.2016, promotion of Executive Engineers were made to the post of Superintending Engineer and consequently they were transferred to various stations as indicated in the aforesaid order. The name of the applicant figures at serial no. 18. On being promoted, he was transferred to HQCE(AF) Leh Zone. He was directed

to report on 07.08.2016. Admittedly, the applicant has joined the place of posting.

3. The grievance as projected in the present OA is that the applicant is 51 years of age and he was not liable to be posted to field service under the Field Service Liability Rules, 1957, as amended in the year 1969 vide notification dated 06.01.1969. It is contended that under the amended rules, only such civilians under Defence Services who have not completed 25 years of continuous service or who have not attained the age of 45 years are liable to be transferred to field services. In case of such civil govt. servants who have completed 25 years of continuous service or attained age of 45 years, willingness to undertake such liability subject to conditions that such servants on the basis of medical examination are placed in category I can be transferred. It is contended that the applicant made representation dated 25.06.2016 against his transfer being in contravention to the rules. The said representation is pending before the respondents. The applicant made another representation dated 08.09.2016. However, no decision has been taken till date. The applicant has placed on record his medical prescription from the SNM Hospital Leh-Ladakh which indicates Hypertension.

4. It is settled law that transfer is exigency of service and government servant is required to serve as may be required by the employer. However, in case of posting to Leh which is admittedly a hard station, certain parameters have been prescribed under the Rules. The applicant has already made two representations but both the representations have not been considered till date. The applicant has also joined the place of posting. However, it is desired that the representation made by the applicant be considered in accordance with Civilians in Defence Services (Field Service Liability) Amendment 1969. Let the

consideration be accorded within a period of two months from the date of receipt of a certified copy of this order. The representation shall be disposed of by a reasoned and speaking order.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/