

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

**O.A. No. 2852/2015**

New Delhi, this the 14<sup>th</sup> day of September, 2016

**Hon'ble Mr. Justice M. S. Sullar, Member (J)**  
**Hon'ble Dr. B. K. Sinha, Member (A)**

Durga Dutt Saini,  
Aged 56 years,  
S/o. Late Sh. Munshi Ram Saini,  
Section Officer, Group "C", DPDO Red Fort Delhi,  
Qr. No. 7, Panchwati Palam, Delhi Cantt-10.  
Area Accounts Office (Pay), Western Command,  
New Delhi – 110 018.

.... Applicant

(By Advocate: Sh. E. J. Varghese)

Versus

1. The Union of India Through the Secretary,  
Ministry of Defence, Government of India,  
South Block, New Delhi – 110 011.
2. The CGDA  
West Block-V, R. K. Puram,  
New Delhi- 110 066.

.....Respondents

(By Advocate : Mr. Hanu Bhaskar)

O R D E R (ORAL)

**Justice M. S. Sullar, Member (J).**

The applicant, Sh. Durga Dutt Saini, has preferred the instant Original Application (O.A) for quashing the order of his transfer, being mala fide, vindictive, discriminatory, arbitrary and contrary to the transfer policy of the department, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

2. The respondents have refuted the claim of the applicant and filed the reply, stoutly denying all the allegations and grounds contained in the O.A and prayed for its dismissal.

3. During the course of arguments, learned counsel for respondents has vehemently urged that the applicant was transferred as per his choice of station and in accordance with the transfer policy of the department. However, learned counsel, on instructions from the department has fairly acknowledged that in case the applicant withdraws the instant O.A, then he will be permitted to retain the official accommodation in Delhi Cantt during the relevant period of his present posting.

4. Learned counsel for applicant has accepted the offer and intends to withdraw the O.A, subject to the indicated conditions of retention of his residential accommodation.

5. In this view of the matter, the O.A is hereby dismissed as withdrawn, as prayed for. However, the applicant is permitted to retain the official accommodation in Delhi Cantt, during the relevant period of his present place of posting, as undertaken by the respondents.

(Dr. B. K. Sinha)  
Member (A)

(Justice M. S. Sullar)  
Member (J)  
14.09.2016

/Mbt/