

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

OA.NO.170/00449/2017

DATED THIS THE 27th DAY OF APRIL, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PK.PRADHAN, MEMBER(A)

R.Lokesh,  
Aged about 49 years  
Office Superintendent  
Pers.no.6406605W  
% ASC Records ( South),  
Bangalore – 560 007.

.....Applicant

(By Advocate Shri AR.Holla)

vs.

1.Union of India,  
By its Secretary  
Ministry of Defence,  
South Block,DHQ Post Office,  
New Delhi 110 001.

2. Additional Directorate General,  
MP/MP P-8 (1 of R),  
Adjutant General's Branch,  
I HQ of MOD (Army),  
Army Headquarters,  
West Block III, RK.Puram,  
New Delhi 110 166.

3.Officer-in-Charge Records ,  
% ASC Records ( South),  
Bangalore – 560 007.T  
PIN-900 493, C/o 56 APO.

4.Commanding Officer,  
% ASC Records ( South),  
Bangalore – 560 007.  
PIN-900 493, C/o 56 APO.

...Respondents.

(By Smt.PK.Praneshwari.. Sr.Panel Counsel)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. It is a very simple matter. Following the cadre restructuring one post was to be kept as surplus and on redeployment a person had to be transferred. The only question arises is that whether the senior most should go or the junior most should go. In a normal transfer it is the person having more seniority in the station who will have to go. In the event of deployment as held by Hon'ble Apex Court in several occasions, it is the junior most who has to be accommodated elsewhere because the surplus affects the junior among them holding equivalent post. Therefore, obviously applicant cannot be transferred out and the junior should go and not the senior. OA is allowed. Transfer orders are quashed as far as the applicant is concerned.

2. Unless the junior person cannot go for several reasons as the mid academic session of the children or impending superannuation etc., but in all other cases the junior most should go on redeployment. Even in such cases also if the junior most cannot go, the next junior will go. At this period, it is not the station seniority which counts but the actual seniority in service and on redeployment the actual junior or as the case may be, the next junior will have to be accommodated. Therefore, OA is allowed. No order as to costs.

( PK.PRADHAN )  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

**Annexures referred to by the applicant in OA No. 170/00449/2017**

- Annexure A1:** Copy of confirmation order dated 10.2.1993  
**Annexure A2:** Copy of promotion order to OS dated 26.6.2014  
**Annexure A3:** Copy of revised authorization strength dt. 12.7.2017.  
**Annexure A4:** Copy of impugned posting out order dt. 10.7.2017.  
**Annexure A5:** Copy of seniority roll of OS in Army Records Offices  
**Annexure A6:** Copy of ASC Records (S) seniority roll of OS  
**Annexure A7:** Copy of representation dt 20.7.2017.  
**Annexure A8:** Copy of forwarding of representation on 26.7.2017.  
**Annexure A9:** Copy of impugned rejection order dt. 4.8.2017  
**Annexure A10:** Copy of extract of Army order 22/2001  
**Annexure A11:** Copy of Army HQ direction dt. 5.1.2001

**Reply filed by respondents**

- Annexure R1:** Copy of Army HQ letter dt. 9.6.2017

