

RA.No.170/00003/2016/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

REVIEW APPLICATION NO.170/00003/2016

IN

ORIGINAL APPLICATION NO.213/2012

DATED THIS THE 06TH DAY OF FEBRUARY, 2018

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

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Purushothama,

S/o. (late) C. Krishna Swamy,

Aged about 50 years,

Worked as Asst. Engineer (QA)/JTO,

O/o. The Controller,

Controllerate of Quality Assurance (Radars),

J.C. Nagar Post, Bangalore – 560 006.

Resident of No. 344/7, 3rd Block,

Rajajinagar, Bangalore – 560 010

.....Review Applicant

(By Advocate Smt. Saritha Jayaram)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Defence,
Department of Defence Production,
Nirman Bhawan, South Block,
New Delhi – 110 011.

2. The Director General,
Director General of Quality Assurance,
Ministry of Defence (DGQA),
Room No. 308-A, 'D' Wing,
Sena Bhawan, Nirman Bhawan PO
New Delhi – 110 011.

3. The Additional DGAQ (L),
Directorate of Quality Assurance Electronics,
Ministry of Defence (DGQA)
Room No. 34, 'G' Block,
Nirman Bhawan,
New Delhi – 110 011.

4. The Controller,
Controllerate of Quality Assurance (Radars),
J.C. Nagar Post, Bangalore – 560 006

.... Review Respondents

(By Shri S. Prakash Shetty, Senior Panel Counsel)

O R D E R (ORAL)

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

Heard. The issue is in a very very small compass. Apparently the learned counsel would submit that Sl. No. 2 to 6 in Document No. 6 produced by the respondents had been transferred on public expense whereas her client is denied this benefit. She is unable to state whether these people have given a request or not. We had specifically asked the Department Representative and

the learned counsel for the respondents who denied that they have not given any request but they were transferred in public expense whereas they would say that Sl. No. 1 & 7 were request transfer and they were transferred at their own expense. Other than making an allegation that these people also were on request, no document is available with the review applicant to prove that these people had come on request. Assuming that these people have not completed their tenure even then the respondents will be at liberty to transfer them on administrative grounds without seeking the permission of the applicant.

2. This seems to us as a frivolous and vexatious litigation. Therefore the RA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in RA No. 170/00003/2016

Annexure-RA1: Copy of MA No. 397/2015 in OA No. 213/2012

Annexure-RA2: Copy of order of Central Administrative Tribunal, Bangalore Bench in OA No. 213/2012 dated 05.11.2012

Annexure-RA3: Copy of daily order of Central Administrative Tribunal, Bangalore Bench in OA No. 213/2012 dated 10.09.2015

Annexure-RA4: Copy of order of Central Administrative Tribunal, Bangalore Bench in MA No. 397/2015 dated 22.09.2015 in OA No. 213/2012

Annexure-RA5: Copy of applicant's transfer order dated 03.05.2012

Annexure-RA6: Copy of applicant's APAR for the year 2013-14

Annexure-RA7: Copy of applicant's APAR for the year 2014-15

Annexure-RA8: Copy of list of personnel transferred on request/compassionate ground with public expense.

Annexure-RA9: Copy of applicant's transfer order dated 09.01.2015

Annexure-RA10: Copy of CQAS Movement Order dated 30.01.2015

Annexure-RA11: Copy of applicant's representation dated 08.04.2015

Annexure-RA12: Copy of DGQA (L) letter dated 21.05.2015

Annexure-RA13: Copy of applicant's representation dated 15.07.2015

Annexure-RA14: Copy of CQAL, ISM letter dated 20.10.2012

Annexure-RA15: Copy of CQAR, ISM letter dated 20.10.2012

Annexure-RA16: Copy of Rotation Transfer Order dated 22.03.2013

Annexure-RA17: Copy of Transfer Order dated 18.04.2013 (Amendment)

Annexure-RA18: Copy of list of officers transferred under rotation transfer with public expense brought back before completion of station tenure

Annexure-RA19: Copy of list of officers transferred on compassionate transfer with public expense again brought back on compassionate grounds.

Annexure-RA20: Copy of compassionate transfer policy dated 25.04.2013

Annexure-RA21: Copy of guidelines for rotation/promotion/compassionate transfer dated 10.05.1993

Annexure-RA22: Copy of CQAS Secunderabad letter dated 05.01.2015

Annexure-RA23: Copy of DGQA (L) letter dated 11.08.2014

Annexure-RA24: Copy of DGQA (L) letter dated 21.08.2014

Annexure-RA25: Copy of DGQA (L) letter dated 06.02.2015

Annexure-RA26: Copy of DGQA (L) compassionate transfer order dated 27.02.2015

Annexure-RA27: Copy of DGQA (L) letter dated 17.07.2014

Annexure-RA28: Copy of DGQA (L) letter dated 23.09.2014

Annexure-RA29: Copy of DGQA (L) letter dated 06.01.2014

Annexure-RA30: Copy of DGQA (L) letter dated 11.02.2014

Annexure-RA31: Copy of DGQA (L) letter dated 03.09.2014

Annexure-RA32: Copy of DGQA (L) letter dated 05.02.2015

Annexure-RA33: Copy of List of AEs(QA) Compassionate Transfer not approved by the competent authority

Annexure-RA34: Copy of SQAE(L) New Delhi Movement Order dated 06.05.2014

Annexure-RA35: Copy of CQAL Letter dated 05.06.2014

Annexure-RA36: Copy of CQAL ISM communication No. F/23/6/AD-9 dated 31.03.2015

Annexure-RA37: Copy of CQAS Secunderabad letter dated 30.09.2015

Annexure-RA38: Copy of Rotation of officers and staff holding sensitive posts in DGQA HQs dated 30.04.2009

Annexure-RA39: Copy of circular on Rotational transfer policy for DGQA Organization dated 20.05.2011

Annexure-RA40: Copy of DGQA/Adm/JCM Order dated 21.02.2013

Annexure-RA41: Copy of Transfer Policy dated 29.10.1999 for Group 'A' officers.

Annexure-RA42: Copy of DGQA letter dated 14.03.2010

Annexures referred in Reply Statement

Annexure-RR1: Copy of DGQA Letter No. 78823/OA-213/2012/DGQA/L-2 dated 21.05.2015

List of Documents submitted by the Respondents

Document No. 1: Copy of circular No. A/96995/JCM/DGQA (Adm)-7B) dated 30 Apr/10 May 1993

Document No. 2: Copy of circular No. A/90600/POLICY/DGQA/Adm-7A dated 25.04 2013

Document No. 3: Copy of No.78823/14/COM/DGQA (L-2) dated 08.03.2013

Document No. 4: Copy of No.78823/14/COM/DGQA (L-2) dated 01.02.2012

Document No. 5: Copy of No.78823/14/PROM/DGQA (L-2) dated 15.09.2003

Document No. 6: Copy of No.78823/14/COM/DGQA (L-2) dated 09.06.2011

Document No. 7: Copy of No.78823/14/COM/DGQA (L-2) dated 03.11.2011

Document No. 8: Copy of No.78823/14/COM/DGQA (L-2) dated 23.04.2010

Document No. 9: Copy of No.78823/14/COM/DGQA (L-2) dated 18.03.2009

Document No. 10 & 10A: Copy of No.78823/14/ROT/DGQA (L-2) dated 23.04.2010, Amended dated 18.05.2010

Document No. 11: Copy of No.78823/14/ROT/DGQA (L-2) dated 21.06.2011

Document No. 12: Copy of No.78823/14/ROT/DGQA (L-2) dated 08.02.2012

Document No. 13: Copy of No.78823/14/ROT/DGQA (L-2) dated 22.03.2013

Document No. 14: Copy of No.78823/14/ROT/DGQA (L-2) dated 03.05.2012

Document No. 15: Copy of No.78823/14/COM/DGQA (L-2) dated 15.12.2005

Document No. 16: Copy of No.78823/14/P/DGQA L-2 dated 03.10.2005

Document No. 17: Copy of No.78823/14/COM/DGQA (L-2) dated 10.12.2013

Document No. 18: Copy of No.78823/14/COM/DGQA (L-2) dated 18.03.2014

Document No. 19: Copy of No.78823/14/COM/DGQA (L-2) dated 04.06.2014

Document No. 20: Copy of No.78823/14/COM/DGQA (L-2) dated 27.02.2015

Document No. 21: Copy of No.78823/14/COM/DGQA (L-2) dated 26.08.2015

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