

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**MA No.060/01504/2018 &
O.A.NO.060/01159/2018 Date of order:- 27.9.2018.**

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

1. Achhar Singh, Cleaner, 14860048 s/o Sh. Ajmer Singh, r/o House NO.422, Chandimandir, Tanda, District Panchkula, Pin code 134 107.
2. Hem Raj, Cleaner, 14860053 s/o Sh. Lajja Ram, r/o village Majra Mehatab, Tehsil Kalka, District Panchkula, Pin Code 133 302.
3. Ravinder Kumar, Cleaner, 14860052, s/o Sh. Ramesh Kumar, r/o House NO.914, Rathpur Colony, Pinjore, District Panchkula, Haryana, Pin Code 134 101.
4. Mahender Singh, Cleaner, 14860106, s/o Sh. Kishan Ram, r/o village Sonwala, PO Nanakpur, District Panchkula, Haryana, Pin Code 1311 02.
5. Gurdev, Cleaner, 14860108, s/o Sh. Jagdish Singh, r/o village Shahpur, District Ambala, Haryana, Pincode 134 203.

.....Applicants.

(By Advocate :-Karan Singla)

Versus

1. Union of India through its Secretary, Ministry of Defence, North Block, New Delhi-110001.
2. Commanding Officer, 5682 Asc Battalion (Mt) Civil Gt., Chandimandir-905682
3. The ASC Records(South) Pin 900493 c/o 56 APO for OIC Records.

...Respondents

ORDER (Oral).

Sanjeev Kaushik, Member (J):

MA No.060/01504/2018 is allowed and the applicants are permitted to file joint petition.

2. Applicants have assailed the order dated 23.8.2018 (Annexure A-1), whereby they have been transferred from Chandimandir, Panchkula to Siligruru, West Bengal, on various grounds.

3. Shri Karan Singla, learned counsel appearing on behalf of the applicants, on the commencement of the hearing, submitted that before approaching the court of law, applicants have already served a legal notice on 17.9.2018, taking all the grounds, but the same has not been answered till date. Therefore, he made a statement at the Bar that the applicants will be satisfied if a direction is issued to the respondents to decide the legal notice, by passing a reasoned and speaking order and according to policy, on which the applicants have relied upon. He further states that he relies upon clause 5 of the transfer policy dated 10.10.2013 (Annexure A-4) wherein it has been specifically mentioned that while effort will be to turn over an individual within the units located in a region and if there are compelling reasons, only then he would be transferred out of region.

4. Issue notice to the respondents. At this stage, Mr. Ram Lal Gupta, Advocate, accepts notice on behalf of the respondents. He

does not object to the prayer of the learned counsel for the applicants.

5. Accordingly, the O.A. stands disposed of in limine, on consensual basis, with a direction to the Competent Authority amongst the respondents to decide the legal notice dated 17.9.2018 (Annexure A-6) within a period of fifteen days from the date of receipt of certified copy of this order. Till the legal notice of the applicants is decided, they be allowed to continue at the present place of posting.

6. Disposal of the O.A. in the above terms shall not be construed as expression of any opinion on the merits of the case.

(SANJEEV KAUSHIK)
MEMBER (J)

(P.GOPINATH)
MEMBER (A).

Dated:- 27.9.2018.

Kks