

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/656/2018

...
Date of decision: 30.05.2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

MES No.313322, Manmohan Singh, aged 56 years, Store Keeper-II, son of Sh. Durlabh Singh, R/o H. No.180/181, Dogra Mohalla, Near Sarhindi Gate, Patiala. (Group C).

... APPLICANT

VERSUS

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. The Engineer-in-Chief, Ministry of Defence, Army HQ, Rajaji Marg, New Delhi.
3. The Chief Engineer, Western Command, Chandimandir, Distt. Panchkula.
4. Commander Works Engineer, Patiala.

... RESPONDENTS

PRESENT: Sh. Shailendra Sharma, counsel for the applicant.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. is directed against order dated 16.05.2018 whereby applicant has been transferred from office of CWE, Patiala to the office of GE (Air Force) Sarsawa.
2. Heard Sh. Shailendra Sharma who submitted that on his request on compassionate grounds applicant was transferred in the year 2014 and now by impugned order respondents have decided to repatriate all persons including the applicant who were on compassionate grounds posting to their parent Divisions by passing impugned order. He submitted that instead of transferring the applicant to GE (U) Ambala Cantt. i.e. his parent station, he has been transferred to GE (Air Force) Sarsawa, against which the applicant stated to have submitted representation but instead of forwarding the same to competent

authority i.e. Chief Engineer, GE (P), respondent no.4 has turned down the same. He submitted that as per Rule formation if representation is made against the posting order, then the same is to be placed before the competent authority which in the case of applicant is Chief Engineer, G.E. Western Command, a lower authority has taken away his and has passed impugned order, which is without jurisdiction. Therefore, he submitted that transfer order and subsequent order rejecting representation of the applicant is bad in law. Therefore, he prayed that direction be issued to competent authority to decide his representation in terms of rules and law.

3. Issue notice to the respondents.
4. Sh. Ram Lal Gupta, Advocate, accepts notice and does not object to disposal of the O.A. in the above terms.
5. Considering the fact that representation of the applicant has not been decided by the competent authority, we dispose of this O.A. with a direction to G.E., Western Command, to take a call to decide his representation by passing a reasoned and speaking order. Let the above exercise be carried out within a period of 15 days from the date of receipt of a copy of this order. Order so passed be duly communicated to the applicant.
6. Till then, respondents are directed to allow the applicant to continue at present place of posting.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 30.05.2018.
Place: Chandigarh.

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