

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00351/2017

Date of Order: This, the 31ST Day of August, 2018.

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Sri Biplab Biswas
Son of Late Atal Bihari Biswas
Asstt. Garrison Engineer (E&M)
Office of the Garrison Engineer
Barjhar, Guwahati-781 015.

...Applicant.

By Advocates: Mr.M.Chanda, Mrs.U.Dutta & Ms.D.Neog

-Versus-

1. The Union of India
Through Secretary Govt. of India
Ministry of Defence, South Block
New Delhi: 110 011.
2. The Director General Personnel/El B
C-in-C's Branch
Integrated HQ of MoD (Army)
New Delhi, PIN: 110011.
3. Chief Engineer
HQ Chief Engineer Eastern Command
Engrs Branch, Pin: 908542
C/o 99 APO.
4. HQ Chief Engineer Shillong Zone (Air Force)
Military Engineering Services
Elephant Falls, Shillong-793 009.
5. HQ Commander Works Engineer, (Air Force)
Military Engineer Service, Barjhar
Guwahati-781 015.
6. Garrison Engineer

Military Engineer Services
Barjhar, Guwahati-781 015.

7. MES-281654 AE(E/M) Ritu Kachari
Asstt. Engineer (E/M)
Office of the Asstt. Garrison Engineer (I)
Rangiya, P.O: Rangiya, Assam.

... Respondents

By Advocate: Mr.R.Hazarika, Addl. C.G.S.C.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):

In this OA the applicant prays for setting aside the transfer order No.MES/47/2017 dated 09.11.2017 whereby he was sought to be transferred from GE (AF), Borjhar to CE (AF) Shillong as AAD (F/M) during the verge of retirement. This Tribunal vide order dated 27.12.2017, directed to maintain the status quo with respect to the transfer of the applicant.

2. Mr.M.Chanda, learned counsel for the applicant submitted that during the pendency of this OA, the respondents vide letter no. MES/CORR/22/2018 dated 03.08.2018 the applicant was again sought to be transferred from his present place of posting against which the applicant filed MA. 40/158/2018. Learned counsel further submitted that the Division Bench of this Tribunal vide its order dated 14.08.2018 stayed the

impugned and posting order dated 03.08.2018 and closed the MA.

3. Learned counsel further submitted that as there is only three months are left for retirement on superannuation of the applicant no purpose will be served in transferring the applicant at this time. According to the learned counsel, since this Tribunal, vide order dated 14.08.2018, has already stayed the transfer order dated 03.08.2018, if the learned counsel for the respondents does not object, the entire OA may be disposed of by making the said order dated 14.08.2018.

4. Mr.R.Hazarika, learned Addl. C.G.S.C. appearing for the respondents fairly submitted that on the face of imminent retirement of the applicant, he is not objecting to the prayer of the applicant and submitted that OA may be disposed of accordingly.

5. On the face of the fair submission of the learned counsel for the respondents, I accept the prayer of the learned counsel for the applicant keeping in view fact that the applicant is retiring in three months' time. Accordingly, respondents are directed to allow the applicant to retire on attaining the age of superannuation from his present place of posting.

6. In view of the above, the OA is disposed of. There shall be no order as to costs.

**(MANJULA DAS)
JUDICAIL MEMBER**

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