

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00832/2018

Jabalpur, this Friday, the 31st day of August, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Bihari Singh Tekam (Service Code-4270464X)

S/o Late Shri Phool Singh Tekam

Aged about 48 years

R/o H.No.1202/P-194-A

Pushpak Nagar, Adhartal

Jabalpur Upper Division Clerk

Posted with 527 DSC Platoon

Att. To Ordnance Factory Khamaria

MOBILE 9977686747 Jabalpur (M.P.)

PIN 482004

-Applicant

(By Advocate –**Shri Utkarsh Agrawal**)

V e r s u s

1. Union of India, Through its Secretary
Ministry of Defense
South Block Central Secretariat
Rajpath Marg, New Delhi
New Delhi PIN 110011

2. Chief Record Officer
Defense Security Corps Records
Mill Road, Burnacherry Post
Kannur
Kannur (Kerala)
PIN 670013

3. Deputy Directorate General
Defense Security Corps(DSC)
General Staff Branch
Integrated HQ of MoD (Army)
West Block III Wing 3 R.K. Puram
New Delhi PIN 110066

- Respondents

O R D E R (ORAL)**By Navin Tandon, AM:-**

The applicant is working as Upper Division Clerk with the respondent department. He is aggrieved by his transfer for Ordnance Factory, Khamaria to Bareilly (U.P.).

2. He submits that after the issue of transfer order, he submitted his representation dated 02.05.2018 (Annexure A-6) wherein he submitted that his wife is working in the State Govt. His representation has been decided on 09.08.2018 (Annexure A-3) on the basis of Para 4 (iv) of DoPT circular dated 30.09.2009 (Annexure A-11).

3. Learned counsel for the applicant submits that his case is covered under Para 4 (vii) of the DoPT circular and not para 4(iv). He further placed reliance in the judgment of the Hon'ble Supreme Court in the matters of **B. Varadha Rao vs. State of Karnataka and ors.**, (1986 (4) SCC 131).

4. He submits that he has made second representation, dated 19.07.2018 (Annexure A-8) filed in the Original Application which has not been decided.

5. Learned counsel for the applicant states that the applicant would be satisfied if a direction be given to the respondents to

decide the representation dated 19.07.2018(Annexure A-8) filed by the applicant.

6. We have considered the matter and dispose off the same at the admission stage itself, without going into the merits of the case, with a direction to the respondents to consider and decide the representation dated 19.07.2018 (Annexure A-8) keeping in view Para 4 (vii) of DoPT circular.

7. Till such time the representation is decided the applicant may not be relieved from the present post, if not already relieved.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member