

Central Administrative Tribunal
Mumbai Bench, MUMBAI

Original Application NO.187/2017

DATE OF DECISION: 17th MARCH, 2017

CORAM: Hon'ble Shri Arvind J. Rohee, Member (J)
Hon'ble Ms. B. Bhamathi, Member (A)

Shri Abhishek Bhanudas Chipade,
Working as U.D.C.,
in the Office of the Garrison Engineer,
South), Ahmednagar, Pottinger Road,
Ahmednagar - 414002.
Residing at: "Chipade Farm",
Behind Market Yard,
Near Saras Nagar,
Ahmednagar - 414001.

... Applicant

(By Advocate K.K. Waghmare)

Versus

1. Union Of India,
Through the Secretary
Ministry of Defence,
Raksha Bhavan, South Block,
New Delhi - 110001.
2. Engineer-in-Chief,
Engineer-in-chief's Branch,
Army Headquarters,
Kashmir House,
DHQ PO, New Delhi- 1100011.
3. Directorate General Personnel/E1B
Military Engineer Services,
Engineer-in-chief's Branch,
Army Headquarters,
Kashmir House,
DHQ PO, New Delhi- 1100011.
4. The Chief Engineer
Headquarters,
Southern Command,
Dakshin Kaman Marg,
Pune-411001.
5. Chief Engineer,
Headquarters,
Pune Zone,
Manekji Mehta Road,
Pune-411001.

6. Commander Works Engineer,
Headquarters,
Onslow Road, Deolali,
Nasik-422401.

7. Garrison Engineer,
(South), Ahmednagar,
Pottinger Road,
Ahmednagar-414002.

8. Chief Engineer,
Headquarters,
Jodhpur Zone,
C/o 56 APO,
Pin 900066.

... Respondents

Order(oral)

Per: Hon'ble Shri A. J. Rohee, Member (J)

Today, when the matter was called out for admission, we have heard the oral submissions of Shri K.K. Waghmare, learned Advocate for the applicant. We have carefully perused the case record.

2. The applicant has grievance regarding the impugned Order of his transfer dated 11.01.2017 [Annexure A1] issued by respondent no.4 from Ahmednagar to Jodhpur Zone in Rajasthan State in the same capacity as Upper Division Clerk. Number of grounds are raised in this O.A. and the following reliefs are sought:-

- "8(a) To allow this original application.
- b) This Hon'ble Tribunal be pleased to quash and set aside the impugned Order dated 11.01.2017 (Annexure "A-1") issued by the Resp. No. 4.
- c) To pass any other Order in the interest of justice.
- d) To award cost".

3. The following interim relief is also sought:

Pending final hearing and disposal of the present O.A. this Hon'ble Tribunal be pleased to stay the execution and operation of the impugned Order dated 11.01.2017 passed by the Resp. No. 4 and direct the Respondents to maintain status quo as I said impugned Order illegal being against the rules and also without following the rules and procedure as mentioned in the above grounds.

4. It was transpired during the course of hearing that the applicants representation dated 23.01.2017 [Annexure A-6] addressed to the respondent no.4 for cancellation of his transfer on personal grounds as well as on the ground that seniors to him were not shifted, is still pending for consideration.

5. In view of this and as submitted by the learned Advocate for the applicant that the respondent no. 4 has not issued the movement Order of applicant so far. We are of the considered view that ends of justice will be met if appropriate directions are issued in this behalf.

6. The respondent No.4 is, therefore, directed to consider and pass a reasoned and speaking Order on the pending representation dated 23.01.2017[Annexure A6] of the applicant, in accordance with law within a period of 3 weeks from the date of receipt of certified copy of this Order.

7. We direct that till above exercise is carried out, *status quo* in respect of the present posting of the

applicant shall be maintained. The applicant will be at liberty to approach the appropriate forum in case his grievance still persists.

8. The O.A. stands disposed of with the above directions at the admission & without issuing notice to the respondents.

Dasti.

(Ms. B. Bhamathi)
Member (A)

(Shri A.J. Rohee)
Member (J)

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