

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 390/2018

Dated:- 06.06.2018.

Coram: Hon'ble Shri. Arvind J. Rohee, Member (J)
Hon'ble Shri. R. Vijaykumar, Member (A)

Shri Chandrakant S. Wayse
 Working as CMD-II under
 Chief Engineer, Southern Command,
 Pune – 411 001.
 R/at 7/14/1, Near Liberty Cinema,
 Kohima Lane, Patision Road,
 Pune 411 001.

... *Applicant*

(By Advocate Shri P.L. Satankar)

Versus

1. Union of India,
 Represented by its Secretary,
 Govt. of India, Ministry of Defence,
 Sena Sadan, North Block,
 New Delhi 110 001.
2. The Engineer-in-Chief,
 Military Engineer Services,
 Integrated Head Quarters,
 Ministry of Defence,
 New Delhi 110 001.
3. The Chief Engineer,
 Southern Command,
 Military Engineer Services,
 Pune – 411 001.
4. Lieutenant Colonel,
 SO I(Adm) for Chief Engineer,
 Southern Command,
 Military Engineer Services,
 Pune – 411 001.

... *Respondents*

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for Admission, heard the Applicant and Shri P.L. Satankar, learned Advocate for him. We have carefully perused the case record.

2. The Applicant who is presently working as Civilian Motor Driver (CMD) under Respondent No.3 approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“8.a) Hon'ble Tribunal be pleased to set aside the Transfer Order dated 16.12.2017 and Movement Order dated 06.02.2018 passed by Respondent No. 3 & 4.

8.b) Hon'ble Tribunal be pleased to direct the authorities to issue orders retaining the applicant at his original place of posting i.e. at HQ SC Pune.

8.c) The Applicant be paid the salary from the month of March, 2018 to till the date of his resuming duties at HQ SC Pune.

8.d) Any other and further reliefs which this Tribunal may deem fit and necessary in the nature and circumstances of the case may please be passed in the interest of justice.

8.e) Costs of the application be provided for.”

3. The Applicant has grievance regarding the impugned order dated 16.12.2017 by which he is transferred from the present place of

posting to Garrison Engineer (1) R&D Girinagar in Pune City itself. He alleged that the respondents have violated the provisions of the Transfer Policy. The record shows that the applicant has submitted representations for cancellation of the impugned transfer order. However, he stands relieved vide movement order 06.02.2018 (Annexure A-2).

4. On interrogation, the applicant submitted that he has not joined the new place of posting so far. The grounds of education of his school going children is made for cancellation of impugned transfer order. However, it is obvious that the applicant and many other officials working under Respondent No.4 were transferred in Pune city itself at different units of Garrison Engineer. It appears that the applicant is presently residing in Private accommodation and hence there is no question of vacating Government accommodation. In the area where the applicant is now posted, Military Schools are available to accommodate the applicant's kids. No grounds are made out for interference by this

Tribunal since, *prima facie* it is not seen that there is violation of any provisions of the Transfer Policy. The competence of the authority which has issued the impugned transfer order is not challenged. In view of above, we do not find any substance in the present OA.

5. The OA, therefore, stands ***dismissed in limine*** at the admission stage.

6. Registry is directed to forward certified copy of this order to both the parties, at the earliest.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.