

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.420/2018.

Date of Decision: 14.06.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Vilas Jaywant Satpalkar
 Working as JTO(S), SQAE,
 Mumbai.
 R/at 1502, Malaygiri CHS,
 Shatiwan, Shrikrishna Nagar,
 Borivali (E), Mumbai 66.
(By Advocate Shri Vicky Nagrani)

... ***Applicant***

Versus

1. Union of India,
 Through the Secretary,
 Ministry of Defence,
 Dept. of Defence Production
 Room No.136, South Block,
 Nariman Bhawan, New Delhi 110 011.
2. The Directorate General of Quality
 Assurance, Dept. of Defence Production,
 Ministry of Defence, South Block No.308-A,
 D Wing, Sena Bhawan, Nariman Bhawan,
 New Delhi 110 011.
3. The Additional DGQA (Stores)
 Department of Defence Production
 (DGQA)
 Govt. of India, Ministry of Defence,
 DHQ P.O. New Delhi.
4. Senior Quality Assurance Officer
 (G&S), (SQAE) Adm Building 2nd
 Floor, DGQA Complex LBS Marg,
 Vikhroli (W), Mumbai 400 083.

... ***Respondents***

ORDER (Oral)

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

Today when the matter is called out for Admission, heard Shri Vicky Nagrani, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant who is presently working as Junior Technical Officer (Scientific) under Respondent No.4 at Mumbai, approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“8.a) Set aside the impugned Rotational Transfer Policy Vide No.A/96995/RTP/DGQA/ADmn-7B/D(QA)/2016 dated 24.11.2016 and amendment dated 10.02.2017 as illegal, without guidelines of the DoP&T and vide letter dated 30.04.2009 and transfer order dated 16.05.2018 and movement order dated 16.05.2018 qua the applicant.

8.b) Direct the respondents to revise the Rotational Transfer Policy dated 24.11.2016 while preparing the list of sensitive and non-sensitive posts of Group B (Gazetted and non-gazetted) officials viz. Technical and Non-Technical in Director General of Quality Assurance (DGQA) Organization in terms of the letter dated 30.04.2009 and the guidelines of the DoP&T OM dated 16.07.2015 in the interest of justice and equity, and

8.c) Alternatively this Hon'ble Tribunal may be pleased to quash and set aside order dated 16.05.2018 and movement order dated 18.05.2018 qua the applicant holding that the same is in violation of RTS 2016 with all consequential benefits.

8.d) Grant relief or reliefs as deemed fit and proper, with costs in the interest of justice and equity.”

3. The Applicant has grievance regarding the revised Transfer Policy dated 24.11.2016 (Annexure A-1). It is stated that the applicant is serving at present station since the date of his appointment sometime in the year 1990 and has never been shifted.

4. Spouse ground is also raised for challenging the impugned transfer order dated 16.05.2018 (Annexure A-4) by which he is transferred from the present station to CQA(M) Kanpur (Uttar Pradesh), and since his wife is working in the office of Commissioner, CGST at Mumbai.

5. In this OA, the following interim relief is also sought:-

“9.a) Pending the hearing and final disposal of this Original Application, Stay the operation of the impugned Rotational Transfer Policy vide No.A/96995/RTP/DGQA/ADmn-7B/D(QA)/2016 dated 24.11.2016 and 10.02.2017 till the disposal of this Original Application, and

9.b) Pending the hearing and final disposal of this original application, stay the operation and implementation of the impugned order dated 16.05.2018 qua the applicant and further be pleased to stay the movement order dated 18.05.2018 till the disposal of the present original application.

9.c) Ad-interim orders in terms of prayer

clause (a) and (b) above may be granted.”

6. It is pointed out by learned Advocate for the applicant that the aforesaid Rotational Transfer Policy has been challenged in number of OAs before different Benches and the final outcome is awaited. However, interim protection is extended to the applicants therein staying their transfer order based on impugned Transfer Policy.

7. It is pointed out by learned Advocate for the Applicant that on 22.05.2018 he submitted a representation (Annexure A-18) addressed by the applicant to Respondent No.2 - Additional Director General of Quality Assurance (Stores) is pending for consideration. It is also obvious from record that by the office order dated 18.05.2018, the applicant stands relieved and Movement order is issued by which time till 15.06.2018 is granted to the applicant to join at the new place of posting. It is pointed out by the learned Advocate for the Applicant that after issuance of the impugned transfer order, he lost his father on 04.06.2018.

8. Considering the fact that representation has been filed before the stipulated date of reporting at the new Station of transfer as per Movement Order and the same is still pending consideration by the Competent Authority, this Tribunal is of the opinion that appropriate directions can be issued in the matter.

9. The Respondent No.3, is therefore directed to consider and pass a reasoned and speaking order on the pending representation dated 22.05.2018 of the applicant in accordance with law, within a period of two weeks from today and communicate the same to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

10. By way of this interim order, we further direct that till a decision is taken by Respondent No.3 on the pending representation within the period prescribed, the Movement order dated 18.05.2018 shall remain in abeyance.

11. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents or

without making any comments on merits of the claim.

12. Learned Advocate for the applicant is directed to ensure that the copy of this order is immediately served on Respondent No.3 for taking appropriate steps in the matter.

13. Dasti.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.