

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A.No.210/00500/2017

Date of decision : August 18, 2017.

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

Shri Dnyaneshwar Keshav Salunkhe,
working as Junior Engineer (QA),
Office of Senior Quality Assurance (Estt)
Khadki, Pune.411 003.

Residing at: Anusuya S.No.72/1B,
Samarth Nagar, Dange Hospital Road,
New Sangvi, Pune - 411 060.

.. Applicant.

(By Advocate Shri Vicky Nagrani).

Versus

1. Union of India, through
the Secretary,
Ministry of Defence,
South Block,
New Delhi - 110001.
 2. The Union of India, through
the Director General,
Directorate General of Quality
Assurance (Armts).
Ministry of Defence,
South Block, Nirman Bhawan,
New Delhi - 110 001.
 3. The Controller,
Controllerate of Quality
Assurance (A),
Khadki Pune-411 003.
 4. The Senior Quality Assurance
Officer,
Ammunition Factory Premises,
Khadki, Pune - 411 003.
- .. Respondents.

Order (Oral)

Per : Arvind 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 Engineer (QA) in the office of respondent No.4 at Khadki, Pune, approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a. This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the Respondents and after examining the same quash and set aside the impugned transfer order dated 17.07.2017, qua the Applicant and the Applicant be permitted to work as **AE (QA) at Kirkee with all consequential benefits.**

b) Costs of the application be provided for.

c) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. The applicant has grievance regarding impugned order dated 17.07.2017 issued by respondent No.2 by which he is transferred from the present post to Khamaria (Madhya Pradesh) in the same capacity as Junior Engineer on rotational transfer for the year 2017-2018. Number of grounds are raised by the applicant for challenging the impugned order including personal grounds.

4. It was pointed out by learned Advocate for the applicant that in the previous O.A.No.24/2016

filed by the applicant, the order dated 07.01.2016 transferring him from Kirkee to Khamaria, Jabalpur on promotion has been challenged. Copy of the order dated 19.01.2016 passed by this Tribunal in the aforesaid O.A. is also produced on record, by which while issuing notice to the respondents they were directed to maintain status-quo with regard to the transfer of the applicant from Kirkee to Khamaria, Jabalpur on promotion.

5. The applicant, therefore, seeks the following interim relief in this O.A.:-

"a) Pending the hearing and final disposal of the Original Application, the operation, implementation and effect of the impugned transfer dated 17.07.2017 qua the Applicant be stayed and the Applicant be permitted to work as JE (SQAE) A, Kirkee, Pune.

b) Ad-interim orders in terms of prayer clause (a) above may be granted."

6. It is submitted by learned Advocate for the applicant that in view of the fact that status quo in respect of the present post of the applicant is already granted in the previous O.A., it was not open for the respondents to include his name in the rotational transfer of feeder cadre of Junior Engineer.

7. It was transpired during course of hearing that the applicant did not prefer any representation

for cancellation of the impugned transfer order dated 17.07.2017 (Annexure A-1). In view of this admitted position on record and since previous transfer was on promotion and not in the same capacity, which promotion was virtually declined by the applicant since he claims retention at Kirkee, Pune (although on promotion post), we are not inclined to grant any interim relief in the present O.A.

8. However, considering the fact that the applicant has not preferred any representation for cancellation of the impugned order dated 17.07.2017, we are of the considered view that ends of justice will be better served if appropriate directions are issued to respondent No.2 in this behalf.

9. It is also pointed out that applicant and other incumbents covered under impugned transfer orders are yet to be relieved and it is directed that they be relieved by 31.08.2017.

10. The applicant will be at liberty to forward a detailed representation to respondent No.2 raising grounds for cancellation of the impugned transfer order within a period of seven days from today.

11. On receipt of such representation, the respondent No.2 shall consider and pass a reasoned and speaking order thereon in accordance with law, within a period of two weeks and communicate the order so

passed to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

12. It is further directed that till the respondent No.2 consider and pass the order on the representation, the applicant shall not be relieved from the present post.

13. The O.A. stands disposed off with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on the merits of the claim.

(Ms.B. Bhamathi)
Member (A)

(Arvind J. Rohee)
Member (J).

H.