

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

**O.A.No.45/2017
M.A.No.33/2017**

Dated this Tuesday the 09th day of October, 2018

**Coram:Hon'ble Dr. Bhagwan Sahai, Member (A).
Hon'ble Shri R. N. Singh, Member (J).**

1. Shri Manohar Dinkar Bhajani
Age 55 years,
working as JTO, Centre No.47,
Naval Dock Yard, Mumbai,
Residing at C-201, Palm Gruha 2,
Manvel Pada Road, Vira(E),
Mumbai-401305.
2. Shri Raghunath Krishna Borade
Age 51 years,
working as JTO at Centre No.6,
Research Planning Division,
Naval Dock Yard, Mumbai,
R/at 162 Green Park,
Lodha Heaven, Nijlaje,
Dombivali (E), 421 204.

...Applicants.

(By Advocate Shri Vicky Nagrani).

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block, New Delhi-110001.
2. The Chief of the Naval Staff
Integrated Headquarter (for DCP)
Ministry of Defence (Navy),
Dte of Civilian Personnel,
D.II Wing, Sena Bhavan,
New Delhi- 110001.
3. The Flag Officer Commanding in Chief
Western Naval Command (HQ),
Shahid Bhagat Singh Road,
Mumbai-23.
4. The Admiral Superintendent
Naval Dockyard, Mumbai-400 023.

... Respondents.

(By Advocate Shri B. K. Ashok Kumar).

O R D E R (O R A L)
Per : R. N. Singh, Member (Judicial)

Present.

1. Shri Vicky Nagrani, learned counsel for the applicant.

2. Shri B. K. Ashok Kumar, learned counsel for the respondents.

3. Heard the counsels for the parties.

4. MA No.33/2017, vide which the applicants have sought permission to file the above OA jointly. For the reasons given in the MA, the MA is allowed.

5. The Applicant has approached this Tribunal by way of the aforesaid OA seeking following reliefs:-

"a. This Hon'ble Tribunal may graciously be pleased to call for all the records of the case from the Respondents and after examining the same quash and set aside the impugned transfer order dated 29.07.2016, qua the Applicant as well as the order dated 30.09.2016, 06.10.2016 and 20.12.2016 only to the extent of transfer of the Applicants.

b. This Hon'ble Tribunal may further be pleased to direct the Respondents that the Applicants be permitted to work **as Technical Officer at Naval Dockyard, Mumbai with all the consequential benefits.**

c. Cost of the application be provided for.

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

6. The respondents have filed their reply. The matter is taken up for final hearing. However, at the outset the learned counsel for the applicants submits that the promotion of the applicants to the post of Technical Officer at Naval Dockyard, Mumbai has itself been cancelled and therefore the applicants' transfer vide order dated 29.07.2016 and subsequent orders dated 30.09.2016, 06.10.2016 and 20.12.2016 they have also been cancelled.

7. In the aforesaid facts and circumstances, the learned counsel for the applicant seek permission to withdraw the OA with liberty to the applicants to file separate proceedings to raise their grievances, if any, in accordance with law.

8. The OA is, therefore, disposed of as withdrawn with liberty as aforesaid. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

v.