

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00313/2019
Chandigarh, this the 01st day of April, 2019

...
CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)

...
Sodhi Singh, Retired SDO -I (Group B) s/o Sh. Faqir Singh, aged 65 years, resident of Patti Bhau, Village & P.O. Kalra via Adampur Doaba, District Jalandhar, Punjab – 144001.

....Applicant

(Present: Mr. A.S. Parmar, Advocate)

Versus

1. Union of India through the Secretary to Government of India, Ministry of Defence, South Block, New Delhi – 110010.
2. The Director General, Defence (Adm. Sec), Ministry of Defence, Raksha Sampda Bhawan, Ulaanbatara Marg, Delhi Cantt – 110010.
3. The Principal Director, Ministry of Defence (DE) Western Command, Kenderiya Sadan, South Block, 5th Floor, Sector 9-A, Chandigarh – 160019.

Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant assailing the order dated 18.08.2011 (Annexure A-7/1) whereby his request for transfer from Chandigarh to Jalandhar was rejected stating the wrong facts.
2. Heard.
3. Learned counsel submitted that the request of the applicant for transfer from Chandigarh to Jalandhar was rejected stating that he remained posted in the office of DEO Jalandhar circle Jalandhar from 29.09.1977 to 03.06.2010, which is wrong and contrary to the record and therefore, it is liable to be set aside.

4. It is not disputed that the applicant took VRS w.e.f. 31.12.2013 from the post of SDO-I, after rendering 36 years of service, and now after six years thereafter he has raised his grievance about his transfer, challenging the order dated 18.08.2011. Learned counsel submitted that he procured the impugned letter after resorting to RTI Act. However, he is not in a position to satisfy this Court with regard to delay of six years in approaching this Court. His argument, that since the order is illegal and so it can be challenged at any time, we are afraid, is not tenable, for two reasons, firstly inordinate delay of six years if counted from the date of his VRS and eight years from the date of passing of impugned order, which cannot be condoned for want of justifiable reason. Moreover no application for condonation of delay has been filed. Secondly, even if the order is illegal, even then it has to be declared illegal by the Court of law.

5. In view of the above, the O.A. is dismissed on the ground of delay and laches. No costs.

(P. GOPINATH)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 01.04.2019