

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00288/2017

Date of Order: This, the 10<sup>th</sup> day of December 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**

Kanhu Charan Das Mahapatra  
Son of Late Bramha Nanda Das Mahapatra  
Working as Store Keeper in the  
O/o the Garrison Engineer Narangi  
P.O. – Satgaon, Guwahati – 27.

...Applicant

By Advocates: Mr. M. Chanda & Mr. H. Das

-Versus-

1. Union of India  
Through Secretary, Govt. of India  
Ministry of Defence, New Delhi – 110011.
2. The Director General Personal/E1B  
E-in-C's Branch  
Integrated HQ of MoD (Army)  
Kashmir House, Rajaji Marg  
New Delhi – 110011.
3. The Chief Engineer  
HQ Chief Engineer, Eastern Command  
Engrs. Branch, Pin – 908542  
C/O 99 APO.
4. HQ Chief Engineer Shillong Zone  
Military Engineering Services  
SE Falls, Shillong – 793011.
5. HQ Commander Works Engineer  
SE Falls, Shillong – 11.

6. Garrison Engineer, Narangi  
Military Engineer Services  
Pin – 900328, C/O 99 APO.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

**ORDER (ORAL)**

**MANJULA DAS, JUDICIAL MEMBER:**

By this O.A., applicant makes a prayer to set aside and quash the impugned transfer and posting order dated 22.05.2017 and the impugned letter dated 18.08.2017 so far the applicant is concerned and to direct the respondents to allow the applicant to continue in the present place of posting in the Office of the GE Narangi, Guwahati till the applicant is considered for choice station posting in the light of Govt. of India OM dated 14.12.1983 as well as in terms of the departmental policy.

2. Mr. M. Chanda, learned counsel appearing on behalf of the applicant submitted that the applicant while working as Store Keeper (SK) at GE Narangi, Guwahati under the administrative control of HQ, Chief Engineer, Shillong Zone/HQ CWE Shillong, submitted his option for choice station posting vide his representation dated 05.01.2017 to the Chief Engineer HQ Eastern Command by submitting three specific option as his choice place of posting either at (i) Bhubaneswar, (1<sup>st</sup> Choice), or (ii) Chilka, (2<sup>nd</sup>

Choice) or (iii) Balasore, (3<sup>rd</sup> Choice). According to Mr. Chanda, same was duly forwarded to the HQ, Chief Engineer Command, C/O 99 APO vide Garrison Engineer Letter dated 16.01.2017. The respondent authority vide letter dated 03.03.2017 intimated to the applicant that the parent command of the individual is Eastern. Therefore, posting of the applicant is required to be issued by the Eastern Command. It was further stated that the repatriation proforma received from the office of the G.E. Narangi, Guwahati is returned on the ground that the choice station i.e. Bhubaneswar and Chilka does not come under the purview of the Eastern Command. Accordingly, he was advised to forward repatriation proforma mentioning three choice station of Eastern Command. As per advice of the respondent authority vide letter dated 03.03.2017, the applicant submitted revised choice station on 16.03.2017 by submitting three specific option as (i) Balasore, (ii) Vizag and (iii) Kalaikunda which was also duly forwarded by the GE, Narangi, Guwahati to the Headquarter, Chief Engineer, Eastern Command vide letter dated 17.03.2017. However, vide order dated 22.05.2017, he had been transferred to a place at CE EC Kolkata which is not as per his choice. According to Mr. Chanda, the same is against the departmental policy as issued under No. 131306/1/45/Engrs/EI C (I) dated 25.04.2011, specifically para 27, which is extracted below:-

“27.\*\*\*\*

3. According to Mr. Chanda, against the impugned transfer order dated 22.05.2017, the applicant submitted a representation on 09.06.2017 with a request for review of his transfer/posting which was duly recommended by the Garrison Engineer, Narangi on 10.06.2017. In the said representation, the applicant categorically stated as follows:

- (i) That his daughter is working in Bangalore;
- (ii) That son is pursuing his Engineering at AIT Pune; and
- (iii) That his old aged mother (Age – 85) is suffering from chronic disease and needs regular medical attendance/treatment.

4. Mr. Chanda further submitted that In the posting order No. 28/2017, certain review of posting and transfer order has been carried out but the name of the applicant did not appear in the said order and vide impugned order dated 22.05.2017, applicant's request for review of place of posting was rejected that too without assigning any reason. Accordingly, Mr. Chanda prays to consider the case of the applicant by posting the applicant at (i) Balasore (1<sup>st</sup> Choice), (ii) Vizag (2<sup>nd</sup> Choice) and (iii) Kalaikunda (3<sup>rd</sup> Choice) and applicant shall not be disturbed from his present place of posting in the office of the Garrison Engineer, Narangi, Guwahati till the

applicant is considered for choice station posting in the light of Govt. of India OM dated 14.12.1983 read with OM dated 22.07.1998 as well as departmental policy as issued under No. 131306/I/45/Engrs/EIC(I) dated 25.04.2011.

5. On the other hand, Mr. S.K. Ghosh, learned Addl. CGSC by filing written statement on behalf of the respondents submitted that on completion of his tenure at the present place of posting, the applicant submitted three choice places as Bhubaneswar, Chilka & Balasore. But the case of the applicant could not be placed at any one of his choice places for want of vacancies. Accordingly, the authority has transferred the applicant to CE EC Kolkata on organizational requirement on the basis of station seniority.

6. However, Mr. Ghosh fairly submitted that he has no objection if a direction is issued to the respondents to consider the case of the applicant as prayed by the learned counsel for the applicant.

7. We have accepted the prayer made by learned counsel on both sides. Accordingly, the O.A. is disposed of with a direction to the respondents to consider the case of the applicant for choice posting either at Balasore (1<sup>st</sup> Choice) or at Vizag (2<sup>nd</sup> Choice) or at Kalaikunda (3<sup>rd</sup> Choice) within a period of five months from the date

of receipt of this order. Till such time, applicant shall not be disturbed from his present place of posting.

8. Consequently impugned posting/transfer dated 22.05.2017 (Annexure-A8) as well as impugned letter dated 18.07.2017 (Annexure-A13) shall not be given effect to.

9. No order as to costs.

**(N. NEHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**