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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.144/2019

Date of Decision: 05.03.2019.

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

Shri Pradeep D. Signapurkar
 Age 57 years, working as Senior
 Administrative Assistant, GE (NW)
 Vasco Da Gama. R/at 266, Aquem
 Alto Tolabandh, Margaon, Goa- 403 601. ... *Applicant*
 (By Advocate Shri Vicky Nagrani)

VERSUS

1. Union of India, through
 The Secretary, Ministry of Defence,
 South Block, New Delhi 110 001.
2. The Chief Engineer,
 Southern Command, Pune 411 001.
3. The Chief Engineer,
 Military Engineering Services-HQ,
 Chief Engineer (Navy) Mumbai 26,
 Assaye Bldg., Colaba, Mumbai 400 005.
4. Commander Works Engineer (Navy)
 MES Vasco Da Gama, Goa – 403 802. ... *Respondents*
5. Garrison Engineer (NW)
 MES Vasco Da Gama, Goa-403 802. ... *Respondents*

ORDER (Oral)
Per: R.N. Singh, Member (J)

Heard Shri Vicky Nagrani, learned
 counsels for the Applicant.

2. The Applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 challenging the order

dated 24.09.2018 (Annex. A-1) to the extent he has been transferred from GE(NW) Vasco to office of Chief Engineer Bhopal Zone GE(A) Gandhinagar. Learned counsel for the applicant submits that aggrieved of the aforesaid transfer on promotion, the applicant has made a representation dated 08.10.2018 (Annex.A-5) wherein the applicant has made conditional request for foregoing the promotion. However, the same is stated to have been rejected by the respondents vide their order dated 01.12.2018 (Annex. A-2).

3. Subsequently, the applicant has filed **MA No.128/2019** praying therein to take certain documents produced along with such MA on record. Shri Nagrani, learned counsel for the applicant submits that these documents are very material and relevant for proper adjudication of the instant OA and many of them are subsequent to filing of the present OA. For the reasons given there in the MA, **the MA is allowed.** The documents filed along with such MA are taken on record.

4. After arguing for sometime, the learned counsel for the applicant submits that subsequent to rejection of his representation vide order dated 01.12.2018, the respondents have issued order dated 22.01.2019 (MP-2) wherein the name of the applicant appears at sr.no.'g' and the same indicates that the applicant is unwilling for the promotion referred there in the impugned order. Shri Nagrani, learned counsel for the applicant further submits that subsequently the applicant has given his clear and specific willingness to refuse the said promotion vide his letter/certificate dated 23.02.2019 and the same has been forwarded by Respondent No.5 to Respondent No.3 vide letter dated 23.02.2019 and the same is still pending consideration of the Respondent No.3.

5. Learned counsel for the applicant submits that the applicant would be satisfied if the present OA is disposed of with direction to Respondent No.2 to consider the aforesaid consent of the applicant for foregoing the said promotion and to dispose of the representation of the

applicant by passing a reasoned order in a time bound manner. In spite of notice, there is no representation on behalf of the respondents. In view of the facts and circumstances noted above, the OA is disposed of with direction to Respondent No.2 to consider the pending representation of the applicant regarding his unwillingness to accept the aforesaid promotion and to retain him at the present place of posting and pass necessary orders in accordance with relevant rules and instructions on the subject, within six weeks of receipt of a certified copy of this order. We make it clear that this order does not reflect our opinion on the merits of the claim of the applicant.

6. In the aforesaid terms, the OA is disposed of. No order as to costs.

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(R.N. Singh)
Member (J)

dm.

(Dr. Bhagwan Sahai)
Member (A)

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