

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.61/1480/2018

Date of decision: 12.12.2018

...

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

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Vidya Sagar Sharma, age 58 years 7 months, AAO, Group 'B' C/o Garrison Engineer, Nagrota, District-Jammu (J&K)-181221.

... APPLICANT

VERSUS

1. Union of India through Secretary, Min. of Defence, South Block, New Delhi-110011.
2. Engineer-in-Chief, Army HQ, Kashmir House, Rajaji Marg, New Delhi-110011.
- 2A. Chief Engineer, HQ, Northern Command, C/o 56 APO-914698.
3. Maj. Gen. K. K. Raiswal, Chief Engineer, HQ, Northern Command, C/o 56 APO-914698.
4. Garrison Engineer, Nagrota, District Jammu (J&K) 181221.
5. Surinder Singh, AAO, O/o Garrison Engineer (P), Jammu, (J&K)-181221.

... RESPONDENTS

PRESENT: Sh. Jagdeep Jaswal, counsel for the applicant.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed wherein applicant assails his transfer order dated 20.07.2018 and order dated 15.9.2018 rejecting his representation filed against his transfer from GE Nagrota to GE (P) Jammu. He has further sought quashing or order dated 29.11.2018, which as per the applicant, has been passed in an arbitrary manner without considering paras 40 and 59 of transfer policy.

2. Against his transfer order, applicant had submitted a representation for cancellation of the same on various grounds which has been turned down. Learned counsel for the applicant submitted that subsequent to rejection of his representation, Commander HQ 135 Works Engineer recommended his case to HQ CE Udhampur zone vide letter dated 28.09.2018 (Annexure A-8) for reconsidering his request to continue at Nagrota for the reason that one person from Nagrota is willing to shift to Jammu, therefore, he submitted that at this stage, respondents may be directed to take a call on recommendation made in his favour by passing a reasoned and speaking order.
3. Issue notice to the respondents.
4. Sh. Sanjay Goyal, Advocate appears and accepts notice on their behalf.
5. Considering the limited prayer, as noticed above, we direct competent authority amongst the respondents to decide recommendation made in favour of the applicant to allow him to continue at Nagrota by passing a reasoned and speaking order in accordance with law and policy. Order so passed be duly communicated to the applicant. The above exercise may be carried out within a period of 15 days from the date of receipt of a certified copy of this order.
6. Disposal of the O.A. in the above terms shall not be construed to be an expression of any opinion on the merits of this case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 12.12.2018.
Place: Chandigarh.
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