

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.062/00564/2019
Chandigarh, this the 28th day of May, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

...

Chetan Kumar PM S/o Maruthi P. Aged 30 years, working as JE E/M,
O/o Garrison Engineer, 865 EWS, Leh 913865

(Group B)

....Applicant

(Present: Mr. Rohit Seth, Advocate)

Versus

1. Union of India through the Secretary, Ministry of Defence, South Block, New Delhi – 110001.
2. Engineer-in-Chief's Branch, Integrated HQ of MoD (Army)
Kasmir House, DHQ PO New Delhi – 110011.
3. The Chief Engineer, Northern Command, Military Engineer Services, Mukhya Abhiyanta Uttari Kaman, Headquarters, C/o 56 APO, - 914698.
4. Garrison Engineer, 865 EWS Leh – 913865.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant, by way of this O.A., has assailed the transfer order dated 18.04.2018 (Annexure A-4) and order dated 11/21.05.2019.
2. Learned counsel for the applicant argued that transfer of the applicant from a tenure station to another tenure station is in violation of the transfer policy and, therefore, the impugned transfer

order be set aside. He submitted that the applicant submitted a representation dated 13.04.2019 (Annexure A-8) to the respondents, requesting them to cancel his transfer order in view of the grounds mentioned therein, but that has been rejected, by impugned order dated 11/21.05.2019 (Annexure A-2), without considering the points raised therein. He prayed that the impugned order be set aside.

3. Learned counsel submitted that since the transfer order is in violation of transfer policy, the applicant may be allowed to submit a fresh representation raising all the grounds available to him and he would be satisfied if a direction is issued to the respondents to decide his representation in accordance with the transfer policy.

4. Issue notice.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He does not object to the disposal of the O.A. in the above terms.

6. In the wake of above, the O.A. is disposed of with a direction to the applicant to submit a representation to the respondents within a day and the respondents shall consider and decide the same(if filed), in accordance with the transfer policy, within a period of 10 days thereafter, by passing a reasoned and speaking order. The order so passed be duly communicated to the applicant. Till such time, the representation is decided, the respondents shall allow the applicant to continue on the present place of posting, if he has not already been relieved.

7. Needless to say, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 28.05.2019

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