

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2705/2019

Thursday, this the 19th day of September 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Mahipal Singh (Group B)
Aged about 57 years
s/o late Shri Dhyan Singh
Presently posted at Defence
Standardization Cell, Badarpur
r/o 382, C & D Block, Shalimar Bagh
Delhi – 110 088

..Applicant

(Mr. Nilansh Gaur and Mr. Karan Chawla, Advocates)

Versus

1. Ministry of Defence
Through its Secretary (Armaments)
Department of Defence Production (DGQA)
South Block, New Delhi – 110 011
2. Director General of Quality Assurance (Armaments)
Room No.308-A, D-1 Wing
Sena Bhawan, New Delhi – 110 011
3. Additional DGQA
Director General of Quality Assurance (Armaments)
Department of Defence Production (DGQA/ARM-1)
Nirman Bhawan Post Office
New Delhi – 110 011
4. Defence Standardization Cell
Defence Camping Ground, Badarpur
New Delhi – 110 044

..Respondents

(Mr. Ranjan Tyagi, Advocate with Col. Anurag Uniyal, Col. QA
(Cord.), Departmental Representative)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

It is rather unfortunate that in an organization, like the Director General of Quality Assurance, the 2nd respondent herein, under the Ministry of Defence, the 1st respondent herein, almost a semblance of indiscipline in the administration itself is existing.

2. The applicant was initially appointed as Superintendent (Technical) in 1985 and worked in the Establishment at Dehradun. In 1992, he was transferred to Delhi., and in 1995, he was re-transferred to Dehradun and worked there till he was transferred to Delhi in 2005. There he earned promotions also. On 14.07.2017, he was transferred to the Establishment at Secunderabad. On a representation made by him, mentioning the family problems, an order was issued on 14.09.2017 transferring him to Dehradun. However, that was not implemented till 10.07.2019, on which date, an order of rotational transfer was issued. The applicant was required to join the station at Dehradun. He submitted a representation with a request to continue him at Delhi. That was rejected through order dated 28.08.2019.

This O.A. is filed challenging the order of transfer dated 10.07.2019 and order of rejection dated 28.08.2019.

3. We heard Mr. Nilansh Gaur, learned counsel for applicant and Mr. Ranjan Tyagi, learned counsel for respondents with Col. Anurag Uniyal, Col. QA (Cord.), Departmental Representative, at length.

4. Ever since the applicant joined the 2nd respondent - organization, he worked either at Dehradun or Delhi. An attempt was made to shift him to Secunderabad in the year 2017. On a request made by him, he was transferred to Dehradun. It is just un-understandable as to how, and on what basis, he was retained in Delhi till the present impugned order dated 10.07.2019 is passed.

5. Across the Bar, it is stated that for want of substitute, the applicant could not be relieved in September 2017. If that were to be so, a suitable order was required to be issued. In an important establishment, like the 2nd respondent, the continuance of an employee, transferred on 14.09.2017 in the same station till 2019, is a matter of concern. Be that as it may, the applicant is required to do what he was supposed to do in the year 2017. No prejudice can be said to have been caused to him.

6. The plea raised by him that according to the transfer policy, an employee, who is left with three years' service, is required to be retained at the home station, can be considered, if only the applicant joins the duty at Dehradun, and thereafter

makes a request. We are not inclined to interfere with the order of transfer or the order of rejection.

7. The O.A. is accordingly dismissed. The applicant is granted 15 days time to report to the station, to which he has been transferred. It is hoped that the administration would ensure that such instances do not recur.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 19, 2019
/sunil/

