

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01021/2019
Chandigarh, this the 26th day of September, 2019

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

MES No. 315988 – Randhir Singh S/o Late Sh. Ram Singh aged 47 years, working as Junior Engineer (QS&C) in the office of Garrison Engineer (North), Patiala – 147001. Group B

....Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. Engineer in Chief, Military Engineer Services, Engineer-in-Chief's Branch, Integrated Headquarters of MoD (Army), Kashmir House, DHQ, PO, New Delhi – 110011.
3. Headquarter, Chief Engineer, Western Command, Chandimandir, (Haryana) – 134107.
4. Garrison Engineer, MES, (North), Sangrur Road, Patiala Cantt (Punjab) – 147001.

..... Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant has challenged the order dated 08.07.2019 (Annexure A-3) whereby he has been transferred from Patiala to Khumbathang (near Kargil).
2. Heard.
3. Learned counsel for the applicant vehemently argued that the impugned transfer is arbitrary and against the Field Service Liability Rules, 1957 as per which the Civilians who have crossed the age of 45 years are not liable to be transferred to field areas. Reliance, in

support of his claim, has been placed upon a judgment of the Principal Bench of this Tribunal in the case of **V.S. Bhartiya Vs. Union of India and Another** (O.A. NO. 57/2014 decided on 30.05.2014) and a judgment of this Court in the case of **Ashok Singh Vs. Union of India & Others** (O.A. No. 1696/PB/2013 decided on 20.08.2014). He further submitted that the applicant submitted a representation dated 13.07.2019 (Annexure A-9) to review/modify his transfer order, but the same has not been decided till date. He made a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to decide his representation within a time frame.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He submitted that an employee cannot ask for his posting at a particular station and it is for the employer to post an employee at the places where his services can be best utilized in view of administrative exigencies. He, however, does not object to the disposal of the O.A. in the above manner. He prayed for a month's time to decide the pending representation of the applicant.

6. In the wake of consensual agreement between the parties, I deem it appropriate to dispose of the O.A. , in limine, with a direction to the respondents to take a call and decide the indicated representation (Annexure A-9) of the applicant in accordance with law, by passing a reasoned and speaking order expeditiously, in any case, not later than a period of 30 days from the date of receipt of a copy of this order. A copy of the order so passed be duly communicated to the applicant.

7. Needless to mention 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: 26.09.2019

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