

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA/310/00655/2018 in & OA/310/00483/2018**

**Dated Wednesday the 9<sup>th</sup> day of January Two Thousand Nineteen**

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

Kaushik Das,  
Junior Works Manager (Technical),  
Heavy Vehicles Factory,  
Avadi, Chennai 54. ....Applicant/Respondent

By Advocate M/s. Menon, Karthik, Mukundan & Neelakantan

Vs

1. The Union of India,  
rep by its Chairman & Director General of Ordnance Factories,  
Ordnance Factory Board,  
Ayudh Bhavan,  
10-A, S.K. Bose Road,  
Kolkatta 1.

2. The Senior General Manager,  
Heavy Vehicles Factory,  
Avadi, Chennai. ....Respondents/Applicants

By Advocate Mr. S. Nagarajan

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records of the 1<sup>st</sup> respondent in its JTR-60/Per/NG/2017-18 dated 27.11.2017 and Order No. 1(1)/Estt/JWM-TFR/2018 dated 04.04.2018 issued by the 2<sup>nd</sup> respondent quash the same in so far as the applicant is concerned and pass such other order or orders as may be deemed fit and thus render justice."

2. The applicant is aggrieved by Annexure A6 impugned order dt. 27.11.2017 by which he was transferred from HVF to OFDUN. It was alleged that the respondents had not followed the Transfer/Placement Committee procedure in ordering the transfer. However, after the matter came to the adverse notice of the Tribunal, the respondents cancelled the previous order in this regard and passed the very same order from which also it was not clear that whether the Transfer Committee procedure had been followed or not.
3. The respondents would, however, assert that the impugned order dt. 27.11.2017 had only been passed in terms of the recommendations of the Transfer Committee. As it was not clear whether the Transfer Committee procedure was followed before or after the issue of transfer, this Tribunal passed an interim order dt. 11.04.2018 directing the respondents to maintain status quo in regard to the applicant. The interim order has continued since.
4. The respondents have filed MA 655/2018 for vacation of interim order pointing out that the respondents had since filed documentary evidence to show that the impugned order was passed only after obtaining the recommendations of the Standing Committee. Attention is drawn to the proceedings of the

Standing Committee dt. 10.10.2017 filed as Annexure R7 along with the additional reply of the respondents dt. 06.06.2018 wherein it is stated that the Standing Committee noted that in view of the educational profile and experience, the applicant should be posted in OFDUN for gaining knowledge in the items manufactured at HVF and in view of vacancies at OFDUN. Accordingly, it is submitted that the OA is liable to be dismissed or at least in the interim, the status quo order be vacated as the same was based on a presumption that the procedure had not been followed, it is contended.

5. Learned counsel for the OA applicant would submit that the applicant's grievance was two fold, one that the committee procedure was not followed in his case and the other that he had been singled out for the transfer although 45 equally eligible and deserving persons were available for transfer to OFDUN. It is not clear from the Standing Committee proceedings dt. 10.10.2017 why the applicant was singled out for gaining knowledge in respect of the items manufactured at HVF and not others. Similarly, there is no reasoning recorded in the proceedings whether the case of other available officers was also considered and how the committee arrived at the conclusion that the applicant was the best suited for this purpose.

6. We have considered the matter. In the matters of transfers in public interest, this Tribunal has very limited jurisdiction. There is nothing to suggest that the action taken by the respondents was guided by malafide or bias. Nevertheless, it is equally true that the proceedings of the Standing Committee

dt. 10.10.2017 does not reveal how the entire issue was considered and how the applicant alone was found fulfilling the requirement of the need to gain knowledge and to fill the vacancies at OFDUN. Under such circumstances, though we are not inclined to sit in judgment over the decision of the committee, we are of the view that the ends of justice would be met in this case if the applicant is allowed to represent his grievance before the Standing Committee so that the Standing Committee could take due note of it and take an appropriate decision in public interest in the light of any submission that the applicant would wish to make before the committee. Accordingly, the applicant is permitted to make a detailed representation within a period of one week from the date of receipt of a copy of this order which shall be placed before the Standing Committee. Within one week thereafter, the Standing Committee shall consider the matter in the light of the representation and record an appropriate reasoning for any decision that it might wish to take on the same. It is also for the Standing Committee to consider if it would wish to hear the applicant in person. The interim order directing to maintain status quo shall continue till this exercise is completed.

7. OA is disposed of. MA stands disposed of accordingly.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**09.01.2019**

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