

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00276/2019

Date of Order: This, the 30th day of August 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

1. Sri Niranjan Borah
Son of Kusheswar Borah
R/o: Mazgaon, Hatbhda Chuburi
P.O. & P.S. :- Nikamul city Tezpur
Dist:- Sonitpur, Assam PIN – 784001.
2. Sri Uttam Saikia
Son of Topon Saikia
R/o: Popumoni Japisajia
P.O. Selanghat & P.S. Teok
Dost:- Jorhat, Assam PIN – 785636.
3. Sri Suranjan Pyne
Son of Sukumar Pyne
R/o: Cotton Road, Ward No. 1, Tezpur
P.O. & P.S.:- Tezpur
Dist – Sonitpur, Assam, Pin – 784001.
4. Sri Prantik borthakur
Son of Biren Borthakur
R/o: PNGB Road Kalibari
P.O. & P.S.:- Tezpur
Dist:- Sonitpur, Assam PIN – 784001.
5. Sri Animesh Deka
Son of Nripen Deka
R/o: Buragaon, P.O. & P.S.: Lokra
Dist:- Sonitpur, Assam PIN – 784102.

6. Sri Dipangshu Saikia
Son of Ajit Kumar Saikia
R/o: Milanpur Saikia Chuburi, Tezpur
P.O. & P.S.: - Tezpur
Dist.: - Sonipur, Assam PIN – 784001.
7. Sri Nikesh Basumatary
Son of Hemkanta Basumatary
R/o: Satgaon Pragati Nagar
P.O. Udayan Vihar & P.S.: - Satgaon
Dist.: - Kamrup, Assam PIN – 781171.
8. Sri Jagadish Das
Son of Pradip Chandra Das
R/o: Borkhopa
P.O. Borkhopa & P.S.: - Baksa
Dist.: - Baksa, Assam PIN – 781367
9. Sri Pranjal Rajbangshi
Son of Khagen Rajbangshi
R/o: Nizgoroimari
P.O. Salonibari & P.S. Salonibari
Dist.: - Sonitpur, Assam PIN – 784101.
10. Sri Rupam Hazarika
Son of Pran Krishna Hazarika
R/o: Bullarpar, Tatipara
P.O. Guwahati Airport & P.S.: - Azara
Dist.: - Sonipur, Assam PIN – 781015.
11. Sri Suraj Kumar Mallah
Son of Ramji Mallah
R/o: Silapathar Phulbaripathar Parva Garage
P.O. & P.S.: - Silapathar
Dist.: - Dhemaji, Assam PIN – 787059.
12. Sri Govinda Deka
Son of Kameshwar
R/o: Borkhopa, P.O. Borkhopa & P.S.: - Baksa
Dist.: - Baksa, Assam PIN – 781367.

13. Sri Hardeep Basumatary
Son of Dinakanta Basumatary
R/o: Dhekipelwo Kachari
P.O. Gurabandha & P.S.: Missamari
Dist.: Sonitpur, Assam PIN – 784506.
14. Sri Supriyo Das
Son of Sri Sribas Das
Vill.- L.D. S Road, Garuwanpatty
P.O. & P.S. Tezpur
Dist.: Sonitpur, Assam. PIN – 784001.
15. Sri Punit Agarwal
Son of Daulat Ram Agarwal
R/o: Dinjan, Tiniali Hopewell Division
P.O.- Dinjan, P.S. – Panitola
Dist.: Tinsukia, Assam PIN – 786189.
16. Sri Abidur Islam
Son of Mr. Nurul Islam
R/o: Harigaon
P.O.- Nikamul, P.S.: Tezpur
Dist.: Sonitpur, Assam. PIN – 784154.

...Applicants

By Advocates: Sri M. Sarania & Sri S.U. Ahmed

-Vs.-

1. The Union of India
Represented by the Secretary, Ministry of Defence
South Block, New Delhi, PIN – 110001.
2. The Engineer in Chief, Military Engineering Service
Engineer-in-Chief's Branch, Integrated Headquarters
Of MoD (Army), Kashmir House, DHQ
New Delhi, PIN – 110011.
3. The Headquarters Chief Engineer
Siliguri Zone, Military Engineering Service
Sevoke Road, P.O.: Salugara
Siliguri, West Bengal, PIN – 734008.

4. The Commander Works Engineer
Tezpur, Dekagaon, Tezpur
Dist.- Sonipur, Assam, PIN – 784501.
5. The Commander Works Engineer, Tenga
Tenga Valley, P.O.-Tenga Market
West Kameng, Arunachal Pradesh
PIN – 900194.
6. The Garrison Engineer Tawang
Tawang, Military Engineering Services
Arunachal Pradesh, PIN – 900198.

.....**Respondents**

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

In the present case, 16 applicants are seeking similar relief from the same respondents, therefore, their prayer for joining together in a single application under Rule 4(5)(a) of the Central Administrative Tribunal's Rules 1987 is allowed.

2. Being aggrieved for non-transferring/repatriating from tenure posting at AGE (1) Tawang to a peace posting station as per procedure laid down in the Notification dated 18.02.2019, the applicants have preferred the present O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “8.(i) To direct the respondent authorities to transfer/repatriate the applicants from tenure posting at AGE (1) Tawang to a peace posting station as per policy;
- (ii) To direct the respondent authority i.e. CWE, Tezpur, being the parent CWE of the applicants to expeditiously decide the transfer application dated 03.10.2018 as per the revised posting policy-Feb 2018 issued vide notification dated 22.02.2019; and
- (iii) The cost of the application and any other relief (s) to which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.”

2. Sri M. Sarania, learned counsel appearing on behalf of the applicants submits that all the applicants were initially appointed as MATE (SSK) in the Military Engineering Service in the office of the AGE (1) Tawang by the Commander Works Engineer, Tezpur on various dates in the earlier part of 2016. Since then they have been serving at Tawang which is a tenure station. Although they have completed the stipulated three years at a tenure station, as such, they are liable to be repatriated.

3. According to Sri Sarania, as per posting policy, repatriation of the applicants from tenure posting to peace posting of their choice is overdue as they have already completed the stipulated period of three years in the tenure station at Tawang. In view of that, all the applicants preferred a representation on 03.10.2018 for transfer from Tenure/Field to Peace stations/

complexes through proper channel to the Commander Works Engineer (CWE) (Tenga). The representation of the applicants was strongly recommended and forwarded by the Assistant Garrison Engineer (AGE), Tawang vide letter dated 03.10.2018. Thereafter, the Commander Works Engineer (CWE), Tenga reverted back the representation of the applicants to the Garrison Engineer (GE) Tawang, stating inter alia that all cases pertaining to industrial staff were to be perused with the parent CWE. The Garrison Engineer, Tawang, SE (NFG), forwarded the representation of the applicants to the HQ, CWE Tezpur, along with the letter of the HQ CWE Tenga, vide letter No. 1000/Ind/27/E1A dated 14.12.2018.

4. Sri Sarania further submitted that the parent CWE at Tezpur ought to have decided the applicants' representation and repatriate the applicants to a peace posting of their choice as per procedure laid down in the *"Guidelines Management of GP 'B' (NG) & 'C' Employees of the Military Engineering Services – Feb 2018"* issued by the department vide Notification No. B/20148/PP/E1C(1) dated 18.02.2019. According to Sri Sarania, this revised posting policy supersedes all existing posting policies pertaining to subordinate staff in the Military Engineering Services and as per said revised posting

policy, applicants' representation ought to have favourably considered.

5. I have heard the learned counsel for the applicant, perused the papers and the documents relied upon. Keeping in view of the representation pending, without going into the merits of the case, I found that it is a fit case to direct the competent authority to consider the pending representation of the applicants dated 03.10.2018 and dispose of it expeditiously in the light of departments' own notification dated 18.02.2019 and pass a reasoned and speaking order within a reasonable period of two months' from the date of receipt of a copy of this order. Order accordingly.

6. With the above directions, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

(MANJULA DAS)
MEMBER (J)