

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No.290/00229/2019

Jodhpur, this the 19th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Subodh Kumar S/o Late Sh. Gendan Lal, aged about 57 years, R/o Quarter No.1545, Shaitan Singh Enclave, Army Area, Jodhpur-342010. Presently working on the post of Director Design in the office of Chief Engineer (MES), Jodhpur.

.....Applicant

By Advocate : Mr. S.K. Malik.

Versus

- (1) Union of India through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
- (2) Engineer in Chief, Kashmir House, Rajaji Marg, New Delhi-110011.
- (3) Chief Engineer (MES) Jodhpur-342010.

.....Respondents

ORDER (Oral)

Per Smt. Hina P. Shah, Member (J)

Heard learned counsel for the applicant.

The applicant has filed the present OA against the impugned order No.70001/SE/21/2019 dated 24.07.2019 (Annexure-A/1) passed by the respondent No.2 whereby applicant has been transferred to Udhampur (J&K) and impugned order

No.100105/MO/06/E1R dated 16.09.2019 (Annexure-A/2) passed by respondent No.3 whereby applicant is ordered to be relieved on 25.09.2019 (AN).

2. Learned counsel for the applicant submitted that the applicant was initially appointed on the post of Assistant Executive Engineer after selection through UPSC as IDSE Officer w.e.f. 18.11.1986 and posted at Dehradun. Thereafter, the applicant was promoted on the post of Executive Engineer w.e.f. 26.11.1995 and posted at Port Blair. After completion of tenure, he was transferred to New Delhi and thereafter at several other places. Lastly applicant was promoted on the post of Superintending Engineer w.e.f. 25.11.2006 and transferred to Bangalore and thereafter he was transferred to Bareilly, Jaipur, Delhi and lastly at Jodhpur on 22.04.2015.

3. It is his submission that since the applicant was going to complete his tenure and has only left over three years of service, he moved an application dated 10.07.2019 for last leg posting giving five choices of places. It is submitted that without deciding the said application of the applicant, the respondent No.2 vide impugned order dated 24.07.2019 transferred the applicant to Udhampur (J&K) under Chief Engineer Northern Command as Director. It is the contention of the learned counsel for the applicant that there is a provision for compassionate/last leg posting which an officer can avail twice in his total service. It is further contended that the respondents without considering the representation of the applicant regarding his last leg posting at Annexure-A/3 transferred him to Udhampur (J&K), therefore, the applicant again moved a representation dated 13.08.2019 stating therein that he is performing his duty on the

present post to the entire satisfaction of the competent authority and most of the period he has been on design assignment for 33 years of service and now transferring him to non-design assignment is clearly not utilizing his capabilities and moreover after a period of six months he is going to be promoted on the post of Chief Engineer and he is also due for last leg posting. But the same has not yet been decided by the respondents.

3. At this stage, Mr S.K. Malik, learned counsel for the applicant submitted that the applicant would be satisfied if the applicant is permitted to file a detailed representation mentioning all his grievances before the competent authority, and the competent authority may be directed to decide such representation of the applicant sympathetically and till disposal of the said representation, the applicant may not be relieved from his present place of posting.

4. We have considered the arguments advanced by learned counsel for the applicant and we deem it appropriate to dispose of this OA at admission stage in view of limited prayer made by the applicant. Therefore, looking to the facts and circumstances of the case, we direct the applicant to file a detailed representation before the competent authority within a period of one week from the date of receipt of a certified copy of this order and the competent authority of the respondents department is also directed to decide the said representation of the applicant in accordance with law. It is made clear that till the disposal of the said representation, the applicant may not be relieved (if he is not relieved till date) from his present place of posting i.e. Chief Engineer (MES) Jodhpur. It is also made clear that once the representation of the applicant is decided, the

aforesaid protection granted in favour of the applicant will automatically end and will have no bearing.

5. In terms of above directions, OA is disposed of with no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

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