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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/712/2015

Date of order : 08.08.2019

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

ANIL KUMAR SINGH
VS.
UNION OF INDIA & OTHERS
(DEFENCE)

For the applicant : Mr. S.K. Datta, counsel

For the respondents : Mr. B.P. Manna, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicant, a Machine Operator (semi skilled) at Military Farms, Kolkata has sought for the following reliefs:-

- "a) An order directing the respondents to consider the case of the applicant for his posting on compassionate grounds to a Static Unit within West Bengal as prayed for by the applicant within a period as to this Hon'ble Tribunal may seem fit and proper;*
- b) An order quashing and/or setting aside the rejection of the representation of the applicant as communicated vide letter dated 24.2.2015;*
- c) An order directing the respondents to produce/cause production of all relevant records;*
- d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."*

2. Vide representation dated 20.11.2014(Annexure A/6 he had sought for an "out of department permanent posting in any statical unit on compassionate ground" as his father passed away on 31.10.2014,his mother is 85 years old and suffering from weak vision and his son and daughter were studying in Class XI and Class VI respectively who needed to support to their studies.

3. The respondents have averred that "MF Kolkata stopped its working since January, 2015 due to switch over of Milk Supply to ASC" and "So MO(SS) became surplus to MF Kolkata. Consequently the applicant had to be posted to MF Missamari where his service was required and a post was vacant. He was served movement order for MF Missamari on 21.03.2015 and has already joined." Further that the following individuals have been posted out of MF Kolkata to the following places:-

1. FH Prem Bahadur Chetry - MF Bengdubi
2. FH Chandra Sekhar Singh - MF Panagarh
3. MO(SS) Jitendra Kumar - MF Panagarh
4. MO(SS) Anil Kumar Singh - MF Missamari

Furthermore that, "there were 9 Military Farms in Eastern Command i.e. MF Panagarh/Bengdubi/Binnaguri/Guwahati/Misamari/Dimapur/Jorhat/Panitola and Tenga. Due to non availability of vacancy in nearby station, applicant could not be accommodated and was posted to MF Misamari. He joined MF Misamari on 30 June, 2015 vide MF Misamari Casualty No.E-10/Misc dated 04 July, 2015". Hence, "no dispute remains to be resolved".

4. Vide letter dated 30.05.2019 the Dir MF, HQ, Eastern Command has been intimated as follows:-

"Dir MF

HQ Eastern Command

POSTING/TRANSFER ON COMPASSIONATE GROUNDS

THROUGH AG'S BRANCH IN RESPECT OF

SHRI ANIL KUMAR SINGH, MO(SS) OF MISAMARI

1. Reference this Dte letter No.86901/CP/Q/MF-I dated 24 Jul 2018.

2. It is intimated that the case for posting/transfer in respect of Shri Anil Kumar Singh, MO(SS) of MF Misamari on compassionate grounds was taken up with AG's Branch who intimated that his name was registered at Sl.No.219 for posting/transfer on compassionate grounds and presently there is no vacancy of Machine Operator(SS) at his choice station. As soon as a suitable vacancy is reported at any of his choice stations, individual will be considered for posting as per his seniority in the waiting list.
3. The individual may be informed accordingly.

(C. Nunthuk)
Dy. Dir(Pers)
For Offg. Brig MF"

Further on 03.06.2019 Dir MF HQ Eastern Command has been intimated that :-

"O.A NO.350/00712/2015 FILED BY SHRI ANIL KUMAR SINGH VS. UNION OF INDIA & ORS.

Refer your signal No.Q-3388 dated 22 May 2019

2. AG's Br vide their Note No.15987/Misc/2018/MP-4(Civ)(b) dated 06 May 2019 has intimated that the name of the applicant has been registered in the waiting list register of Machinist at Sl.No.219. Presently there is no vacancy at his choice station. The individual will be considered for posting as per his seniority in the waiting list as and when vacancy exist.
3. In view of the above, you are requested to inform the individual accordingly. He may also be asked to wider his choice to resolve the court case at the earliest.

(C. Nunthuk)
Dy. Dir(Pers)
For Offg. Brig MF"

5. In view of such communications, we dispose of the O.A. with a direction upon the authorities to duly consider the applicant's prayer upon availability of a suitable vacancy for his posting at stations he has exercised his choice for. No costs.

(Dr. Nandita Chatterjee)
Administrative Member
sb

(Bidisha Banerjee)
Judicial Member