

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01174/2019
Chandigarh, this the 15th day of November, 2019

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

....
Ajay Kumar son of Sh. Sanjeevan Kumar, age 47 years, working as Junior Engineer (QS&C), in the office of Garrison Engineer (AF) Srinagar, R/o House No. 358-A, New Shastri Nagar, Pathankot (Pb.) – 145001.

....**Applicant**

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

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. The Chief Engineer, Headquarters, Northern Command, C/o 56 APO.
3. Garrison Engineer (Air Force), Srinagar – 190007.

....**Respondents**

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. This O.A. is directed against order dated 17.09.2019 (Annexure A-2) whereby the applicant has been transferred from Srinagar to Nagrota, movement order dated 05.11.2019 and order dated 26.10.2019 whereby his representation against transfer order has been rejected by the respondents.
2. Heard.
3. Learned counsel argued that since the applicant has completed his hard tenure posting on 21.08.2019, therefore, he is liable to have posting at one of his choice station. He submitted that he opted for Pathankot as one of his choice stations as his son is studying there and his wife, who is working with the State Government, is also

posted there. He alleges discrimination against the respondents as a number of employees have been given posting at their choice stations but the applicant has been denied despite availability of vacancy at Pathankot and recommendation of his representation by his officers. It is also vehemently argued that the none of the grounds mentioned in the representation of the applicant has been addressed and the same has been rejected, vide a non-speaking order by the respondents. On these points, learned counsel prayed that the impugned transfer order is liable to quashed and set aside. He also prays for interim relief.

4. Issue notice to the respondents.

5. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He submitted that that the respondents may be granted time to re-consider the representation of the applicant. He, however, opposes the prayer of the applicant for interim protection.

We have gone through the pleadings available on record including the impugned order 26.10.2019 (Annexure A-1 colly) rejecting the representation of the applicant. A perusal of the impugned rejection order shows that the grievances raised by the applicant in the representation have not, at all, been addressed and a non-speaking order has been passed. In view thereof, the impugned order 26.10.2019 is quashed and set aside. In these circumstances, I deem it appropriate to remit the matter back to the respondents to give a fresh consideration to the representation made by the applicant and direct them to pass a reasoned and speaking order while addressing all the points raised therein. Ordered accordingly.

6. The needful be done within a period of 15 days from the date of receipt of a copy of this order. In view of the statement made by learned counsel for the applicant that the applicant has not been relieved till date, the respondents are directed to allow the applicant to continue at the present place of posting till the time they pass a fresh order on his representation, in terms of the order of this Court.

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.

'mw'

