

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A.210/331/2019

Date of decision : December 02nd, 2019.

Coram: Dr.Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).

Shri Satishkumar K.P.
Age 41 years working as CMD(OG)
Naval War College, INS Mandovi,
Verem, Bardez, Goa - 403 109,
Residing at : P 86/11,
Defence Civilian Accommodation,
INS Mandovi, Verem, Bardez,
Goa - 403 109.

.. Applicant.

(By Advocate Shri Vicky Nagrani).

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 001.
2. The Chief of Naval Staff
(for the Director of Civilian Personnel)
Naval Headquarters,
DHQ P.O.,
New Delhi - 110 001.
3. Flag Officer (Commanding-in-Chief)
Headquarters, Western Naval Command,
Shahid Bhagat Singh Road,
Mumbai - 400 001.
4. Flag Officer Commanding,
Headquarters, Goa Naval Area,
Vasco-Da-Gama,
Goa - 403 802.
5. The Chairman,

Naval War College,
INS Mandovi,
Verem, Bardez,
Goa - 403 109.

.. Respondents.

(By Advocate Shri B. K. Ashok Kumar).

O R D E R (O R A L)

Per : R. N. Singh, Member (J)

Present.

1. Shri Vicky Nagrani, learned counsel for the applicant.
2. Shri B. K. Ashok Kumar, learned counsel for the respondents.
3. Heard the learned counsels for the parties.
4. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8(a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same, quash and set aside the impugned orders dated 28.09.2016 and 07.08.2018 with all consequential benefits.

(b) This Hon'ble Tribunal may further be pleased to hold and declare that withholding of transfer on compassionate ground of the applicant is per-se illegal, arbitrary and violation of the own Transfer Policy and further direct the respondents to forthwith relieve the applicant immediately without awaiting reliever.

(c) Alternatively this Hon'ble Tribunal may further be pleased to direct the respondents that since, as per their own stand that the applicant will be relieved on completion of recruitment process and since now the recruitment process is completed and offer of

appointment order is issued, the applicant be relieved immediately without any further delay.

(d) Costs of the application be provided for.

(e) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

5. The applicant is aggrieved of the fact that in spite of his transfer on Compassionate Ground approved by the respondents letter dated 14.01.2016 (Annexure A-6) and their further order dated 18.02.2016 (Annexure A-7) which provides that the individuals who have been transferred on the compassionate grounds will not be withheld awaiting reliefs, the applicant has not been relieved to join in terms of the transfer order.

6. The respondents have passed order to relieve the individuals immediately and it has also ordered therein that reliefs will be appointed in due course. The learned counsel for the applicant submits that inspite of the lapse of more than 3-4 years the respondents have not implemented their own orders regarding the transfer of the applicant on the compassionate grounds.

7. The learned counsel for the respondents submits that the applicant could not be relieved immediately due to administrative difficulty in the form of acute shortage of staff. However, he is having

instructions to submit that the applicant will be relieved positively by 30.03.2020.

8. In view of the aforesaid discussion, the OA is disposed of with directions to the respondents to give effect to their two letters dated 14.01.2016 (Annexure A-6) and 18.02.2016 (Annexure A-7) and relieve the applicant from his present post as expeditiously as possible, however, not beyond 01.04.2020.

9. The OA is disposed of in the aforesaid terms.
No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JD
11/12/19