

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH,

**C.P. No. 061/102/2019 in
O.A.NO.061/1356/2017
MA NO. 061/1354/2019**

This the 2nd day of December, 2019

Coram: Hon'ble Sh. Sanjeev Kaushik, Member (J)
Hon'ble Sh. A.K. Bishnoi, Member (A)

1. Mate No. 510026 Sh. Kuldeep Raj s/o Sh. Krishan Kumar working as Mate Elect.
2. MES. No.506092 Sh. Raju Singh S/o Sh. Govind Singh working as VEH/Mech(SK)
3. MES No.508868 Sh. Salinder Paul S/o Late Sh. Charan Dass, working as Elect(HS)
4. MES No.509643 Sh. Parshotam Lal S/o Sh. Kesho Ram working as VEH/MECH (SK).
5. MES No.509642 Sh. Kuldeep S/o Sh. Madho Ram working as Mate Elect.
6. MES No.510036 Sh. Vijay Kumar S/o Sh. Bana Ram working as Mate Elect.
7. MES No.510620 Sh. Ranjeet Kumar S/o Sh. Ram Sagar Yadav working as Mate Veh/Mech.
8. MES No.510621 Sh. Satish Kumar S/o Sh. Prabhu Dayal working as Mate Carp.
9. A/No.13751235F Sh. Parshotam Kumar S/o Late Sh. Chand Lal Mate FGM.
10. MES No.510028 Sh. Vijay Kumar S/o Sh. Suram Chand working as Mate FGM.
11. MES No.510031 Sh. Subhash Chander S/o Sh. Vackil Chand working as Mate FGM.
12. MES No.510022 Sh. Sanjay Kumar S/o Late Sh. Salo Ram working as Mate Elect.
13. MES No.510025 Sh. Sudesh Raj s/o Sh. Mangat Ram working as Mate FGM.
14. MES No.510653 Sh. Narayana Rao S/o Sh. Ramayya working as Mate Elect.
15. MES No.510650 Sh. Jitender Kumar S/o Sh. Mahavir Singh working as Mate REF/MECH.

16. MES No.510017 Sh. Manohar Lal S/o Late Sh. Munshi Ram working as Mate FGM.
17. MES No. 510159 Om Paraksh S/O Late Sh. Bhader Singh, working as Mate (FGM).
18. MES No.510034 Sh. Gopal Krishan S/o Late Sh. Bishan Dass, working as Mate Elect.
19. MES No.510664 Sh. Vinod Kumar S/o Sh. Sukh Dayal working as Mate (FGM).
20. MES No.510663 Sh. Ramesh Kumar Manotra S/o Sh. Madan Lal working as Mate (Veh Mech).
21. MES No.510145 Sh. Mintu S/o Sh. Franti Ram working as Mate (Elect).
22. MES No.510141 Kuldeep Singh S/o Sh. Mangal Singh working as Mate (Elect).
23. MES No.510148 Kuldeep Kumar S/o Late Sh. Kashitu Ram working as Mate (FGM).
24. MES No.510136 Parsotam Lal S/o Late Sh. Gari Ram working as Mate (FGM).
25. MES No.509514 Gautam Singh S/o Late Sh. Roshan Lal working as Elect (SK)
26. MES No.510153 Prem Singh S/o Late Sh. Sant Ram working as Mate (FGM).
27. MES No.510163 Manmohan Kumar S/o Sh. Om Parkash working as Mate (Elect).
28. MES No.509582 Joginder Singh S/o Sh. Harnam Singh working as Elect (SK)
29. MES No.508346 Pritam Chand S/o Sh. Raghu Nath working as Elect(HS)
30. MES No.509032 Satpal Singh S/o Late Sh. Dewan Singh working as Mate (FGM).
31. MES No.510618 Ankit Kumar S/o Sh. Satpal Singh working as Mate (V/Mech.).
32. MES No.510623 Madan Lal S/o Sh. Bodhraj working as Mate (Carpt).
33. MES No.510349 Sanjay Kumar working as Mate (FGM).
34. MES No.509510 Raj Kumar working as Elect.(SK) (Group C). All working in the office of Garrison Engineer, Air Force, Leh. Jammu.

.....PETITIONERS

VERSUS

1. Sh. Sanjay Mittra, IAS, Secretary, Government of India, Ministry of Defence, South Block, New Delhi – 110 011.

2. Lt. Gen. S.K. Srivastava, AVSM, Engineer-in-Chief, Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO, New Delhi – 110 011.
3. Maj. Gen. K.K. Repswal, SM, VSM, Chief Engineer, Headquarters, Northern Command, C/o 56 APO.IO 8545
4. Col. N.S. Johal, Headquarters 138 Works Engineer, C/o 56 APO.90 8545

.....**RESPONDENTS**

Present: Mr. R.K. Sharma, counsel for the petitioners
Mr. Sanjay Goyal, counsel for the respondents

ORDER (ORAL)

By MR. SANJEEV KAUSHIK MEMBER (J)

1. Heard learned counsel for the parties.
2. Pursuant to the order dated 09.01.2019, passed by this court in terms of order dated 24.09.2015, in OA No. 1172/2014 titled **Raju Singh & Ors. Vs. UOI & Ors.**, which had further been upheld by the Jurisdictional High Court of J&K, by dismissing SWP No. 120/2016, vide order dated 08.02.2016, the respondents have passed an order dated 15.11.2019 rejecting the contentions raised by the petitioners.
3. Learned counsel appearing on behalf of the petitioners submitted that this order is not in terms of the spirit of the transfer policy dated 17.04.2010, as contained in para 2 of the order passed by the Hon'ble High Court and thus is violative of Articles 14 & 16 of the Constitution of India. Therefore, this order cannot be said to be an order in compliance of the order passed by this court.

4. Learned counsel representing the respondents argues that the respondents were directed to consider and review the matter as per paras 66 and 67 of the transfer policy which they have done. Thus, the Applicants can challenge this order on original side, if they are aggrieved. Its legality cannot be agitated in contempt proceedings.

5. Sh. R.K. Sharma, learned counsel for the petitioners states that the case of the petitioners, who are working in Leh, has also not been considered in terms of Guidelines on Management of GP 'B' (NG) & 'C' Employees of MES issued in 2018, particularly para (6) thereof namely "Other Modalities" as per which they have to consider the cases of those employees who are working in the high altitude areas for more than ten years, for request transfer.

6. Learned counsel for the respondents submits that since this has to be considered only when an application is moved to this effect by the petitioners for considering their case under this clause, which has not been done so the CP is not maintainable.

7. In view of the above factual position, the learned counsel for the petitioners submitted that they will move an application according to para 6 of Policy for GP 'B' (NG) & 'C' Employees of MES issued in 2018 and requests that respondents be directed to decide the same and the petitioners be given liberty to challenge such decision by filing a fresh OA.

8. This CP, as such, is closed as satisfied. Notices are discharged. The respondents are directed to decide and expedite

the claim made by the petitioners within a month of receipt of such applications to be filed by the petitioners and pass a speaking order thereon.

**(SANJEEV KAUSHIK)
MEMBER(J)**

**(A.K. BISHNOI)
MEMBER(A)**

Dated: 02.12.2019

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