

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**O.A. No.290/00269/2019**

Jodhpur, this the 18<sup>th</sup> October, 2019

**CORAM**

**Hon'ble Smt Hina P. Shah, Judicial Member**

**Hon'ble Ms Archana Nigam, Administrative Member**

Parmeshwari Dayal son of Late shri Udai, by caste Kori, aged about 44 years Head Quarter Chief Engineer, Jodhpur Zone Near ECHS Complex, Opposite Military Hospital, Jodhpur Rajasthan.

.....Applicant

By Advocate : Mr. C.P. Soni.

Versus

1. Union of India through the Secretary Ministry of Defence,  
South Block, New Delhi-110011.
2. Engineer-in-Chief's Branch Military Engineer Services,  
Directorate General (Personel) Kashmir House, Rajaji Marg  
New Delhi-110011.
3. Chief Engineer Head Quarter Southern Command Pune-  
411001.
4. Head Quarter Chief Engineer Jodhpur Zone, Opposite  
Military Hospital, Jodhpur-342001.

.....Respondents

ORDER (Oral)

**Per Smt. Hina P. Shah**

Heard learned counsel for the applicant.

The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act 1985 for the following reliefs:-

*“The orders (Annexure-A/1 and Annexure-A/2) dated 03.07.2019 and 03.10.2019 may kindly be quashed and set aside and the respondents may kindly be directed to grant the relief of changing his place of posting GE (AF) Lohegaon to anyone station mentioned as Para 3 of Annexure-A/3.”*

2. The short facts of the case are that the applicant has joined services under the employment of respondent as JE (QS & C) on 03.06.1997 in MES. The respondents vide order dated 03.07.2019 have issued promotion cum posting order by which the applicant is transferred from CE Jodhpur Zone to GE (AF) Lohegaon as AGE Contract and has been directed to move forthwith. The applicant thereafter has made a representation for changing of his transfer place of posting on extreme domestic (education) ground stating that his younger son is studying in 12<sup>th</sup> class at present. But the said representation of the applicant has been rejected by the respondents vide order dated 03.10.2019 (Annexure-A/2) by saying that ‘not agreed to’.

3. It is the contention of the learned counsel for the applicant that the impugned order has been passed by the respondents ignoring the education condition of the children of the applicant. He further submits that the guidelines in this regard specifically

provides that “the personnel with children studying in class XII will generally not be posted out till completion of class XII examination. However extension on this count shall be limited to one year beyond normal tenure irrespective of the class in which the younger child may be studying. The personnel will have to intimate one year in advance to the pers Branch of CE Command Zone such personnel, if willing will be considered for tenure posting subject to availability of vacancies to give them house retention benefit.”

4. Learned counsel for the applicant submits that the applicant at this stage would be satisfied if he is permitted to file a detailed representation for changing of his place of posting GE (AF) Lohegaon to any station mentioned as Para 3 of Annexure-A/3 and the respondents may be directed to decide the same in a time bound manner and till decision of the said representation he may not be relieved from his present place of posting. He further submits that in pursuance of the said transfer/posting order, the applicant has not yet been relieved.

5. 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. Accordingly, we direct the applicant to file a detailed representation regarding change of his place of posting GE (AF) Lohegaon to anyone station mentioned in Para 3 of

Annexure-A/3 before the competent authority within a period of two weeks from the date of order, and the competent authority is also directed to decide such representation of the applicant by passing reasoned and speaking order within a period of 03 weeks from the date of receipt of such representation. It is made clear that till disposal of the representation of the applicant, the applicant may not be relieved from his present place of posting i.e. CE Jodhpur Zone, if he is not relieved till date.

6. Learned counsel for the applicant at this stage submits that if any adverse order is passed against the representation of the applicant then at least for further one week the applicant may not be relieved from his present place of posting, which is also allowed.

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

**[Archana Nigam]**  
**Administrative Member**

**[Hina P. Shah]**  
**Judicial Member**

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