

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.519/2018**

**Date of decision: 06.11.2019**

**CORAM:- R. VIJAYKUMAR, MEMBER (A) .  
R.N. SINGH, MEMBER (J) .**

Shri Uttam Haribhau Bhowate,  
Age 53 years,  
Working as Senior Scientific Officer-II,  
Office of Controllate of Quality Assurance  
(Military Explosives) Khadki,  
Pune-411 003.  
Residing at CQA (ME) Residential Complex  
P4/3 Type IV, Aundh Camp,  
Old Sangvi, Pune-411 027.

**... Applicant.**

**(By Advocate Shri Vicky Nagrani)**

**VERSUS.**

1. Union of India  
Through the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi-110001.
2. Director General of Quality Assurance  
Ministry of Defence,  
Defence Production & Supply,  
Room No.234, South Block,  
New Delhi-110 001.
3. The Additional Director General of  
Quality Assurance,  
Directorate General of Quality



Assurance (M&E)  
P.O. Ichatpur, Nawabganj,  
Parganas (North),  
West Bengal- 743144.

4. The Controller,  
Controllerate of Quality Assurance  
(ME), Aundh, Pune-411 020.

... Respondents.

(By Advocate Shri Narayan Shimpi)

O R D E R

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

1. When the case is called out, Shri Vicky Nagrani, learned counsel appeared for the applicant.
2. Shri Niranjana Shimpi, learned counsel appeared for the respondents.
3. This OA has been filed on 02.08.2018 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"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 transfer order dated 26.07.2018, qua the Applicant with all the consequential benefits.

b. The Respondents be directed to consider his request at his choice posting at SQAE (A) Bhandara as per the policy against the clear vacant post of SSO-II at Bhandara.

c. Costs of the application be provided for.



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

4. The applicant has argued that he has been serving as Senior Scientific Officer Grade-II with the respondents and he is posted at Pune since 2011 when he received the impugned transfer order dated 26.07.2018 (Annexure A-1) transferring him from Pune to Chanda. He submits that there is only one post of SSO Grade-I at Chanda against which he has been posted and he also submitted that he has already served at Chanda which is a hard station from the years 2004 to 2011 and therefore, he should not have been considered for a hard station for posting. He further submits that he had submitted three choices in response to the respondent's own letter dated 20.02.2018 (Annexure A-3) and had indicated his preference for vacancy in SSO Grade-II at Bhandara, Itarsi, and Ichhapur. He further submits that he would be eligible for these stations under the rules as communicated by the respondents in their letter dated 14.02.2018 (Annexure A-2). He also says that there are SSO Grade-I staff who were eligible for transfer but have not been transferred and that there are also other SSO Grade-II staff who are senior to him and available for transfer but they



have also been ignored and he has been transferred instead.

5. The respondents have filed reply and subsequently, rejoinder has been filed and sur-rejoinder has also been filed by the respondents.

6. However, it is noted from the contents of the reply that issues raised by the applicant have not been replied by the respondents with regard to the specific aspects of grievances raised by him.

7. During the hearing, the learned counsel for the respondents also mentions that the applicant has not filed any representation following the orders of transfer and that if he had any grievance, he was entitled to make such representation. He has explained that the only point raised by the respondents is that they have transferred the applicant in administrative interest. However, no light have been thrown upon the other grounds raised by the applicant particularly to the effect that if the applicant has been working as Senior Scientific Officer Grade-II and there is no vacancy at the proposed place of posting at such place but he has been transferred against the vacancy for Senior Scientific Officer Grade-I. There is also no reply to the effect that when the respondents have themselves offered by interim communication that the



applicant may after three choices for posting, why the applicant has not been considered against any of the three choices intimated by him to the respondents.

9. In the facts and circumstances, the matter is remitted to the respondents. The applicant is at liberty to make a comprehensive representation within ten days from today and in case, representation is received by the respondents within the time stipulated, the respondents shall consider the same and pass a reasoned and speaking order within two weeks and communicate the same to the applicant within two weeks thereafter.

9. In view of the above, the OA is disposed of without any order as to costs.

10. In the meantime, the respondents are directed not to give effect to the impugned transfer order till the final order is passed by the respondents.

(R. N. Singh)  
Member (J)

(R. Vijaykumar)  
Member (A)

V.

