

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5206 of 2016.

Date of Decision: January 11, 2017

Union of India and others

.....Petitioners

versus

Central Administrative Tribunal, Chandigarh Bench and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.P.C.Goyal, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Union of India and its authorities of North and Western Commands (Engineer-in-Chief Branch) are aggrieved by the order dated 21.11.2014 vide which the Central Administrative Tribunal, Chandigarh Bench has allowed the Original Application filed by the 2nd respondent in terms of an earlier decision of the Tribunal rendered in Satish Kumar versus Union of India and others, decided on 22.09.2014. As a resultant effect, the transfer order as well as the order rejecting 2nd respondent's representation against the said transfer order were set-aside.

The Tribunal's order reveals that the plea taken by respondent No.2 that he may be allowed to continue at the present Command as his father was 90% disabled and totally dependent upon him, has been accepted.

We find from the record that the 2nd respondent moved an

application dated 01.04.2014 (A-5) in which he averred that his father was

physically disabled and totally dependent upon him and also keeping in view the fact that he has two school going children, he may be “allowed a tenure of three years more in the Western Command.....”

The period of three years for which the 2nd respondent sought extension for his stay in the Western Command would expire in April, 2017. In this view of the matter, we are of the considered view that there is no necessity to interfere with the order passed by the Tribunal as the petitioner-authorities would be at liberty to transfer respondent No.2 in accordance with their policy after expiry of extended term of three years in April, 2017.

Dismissed.

[SURYA KANT]
JUDGE

January 11, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No