
(2020) 07 CAT CK 0040

In the Central Administrative Tribunal

Case No : Original Application No. 952 Of 2020, Miscellaneous Application No. 1176 Of 2020

All India DGQA Engineers Association & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 29-07-2020

Acts Referred:

Citation : (2020) 07 CAT CK 0040

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Shivam Bajaj, Gyanendra Singh

Final Decision : Dismissed

Judgement

L. Narasimha Reddy

M.A. No.1176/2020

M.A. seeking joining together in a single application is allowed.

O.A. No.952/2020

1. The applicant No.1 is an Association of All India DGQA Engineers. The Ministry of Defence passed an order dated 20.07.2020 directing transfer of 76 Engineers of different categories. Similarly, through orders dated 10.007.2020 and 08.07.2020, some more officials are transferred on rotational basis. This O.A. is filed challenging all the three said orders of transfer.

2. The principal ground urged by the applicants is that on account of a serious condition due to Covid-19 pandemic, it is difficult for the officials to move to different places and the orders of transfer, at this point of time, are not warranted. It is also stated that in some Departments, a policy decision has been taken not to transfer the employees in this situation, whereas the respondents did not take this situation into account.

3. We heard Mr. Shivam Bajaj, learned counsel for applicants and Mr. Gyanendra Singh, learned counsel for respondents, at length at the stage of admission.

4. the outset, we take exception to the manner in which the Association has chosen to file the present O.A., that too challenging the three orders of transfer involving nearly 200 officers. It is not uncommon that whenever such large scale transfers are made, persons feeling any difficulty, approach the Tribunal and ventilate their grievances. Finding fault with the making of general transfers, in an important organization like DGQA in the Ministry of Defence, that too, by an Association, is rather un-heard of.

5. Be that as it may, the grievance of the applicants is about the situation, that emerged on account of Covid-19. There is a reference to such a situation in the order of transfer itself. Even otherwise, the movement of the transferred employee is always subject to the restrictions that are in force either in the area in which he is working at present or the one to which he is transferred. There is no reason to believe that the respondents would expose its employees to imminent threat of pandemic.

6. We are not inclined to entertain the O.A. At the same time, we make it clear that the movement of the officers on the basis of the impugned orders of transfer shall be subject to the restrictions, as to movement on account of Covid-19 situation, at the relevant places. The individual grievances, if any, in this behalf shall be addressed. We also make it clear that if for any reason the physical shifting of the official becomes difficult and work from home is permitted, they shall stand transferred to the concerned place and shall work as an employee of the establishment to which he is transferred.

7. The O.A. is accordingly dismissed with the observations, as above. There shall be no order as to costs.