

(2020) 09 CAT CK 0050

In the Central Administrative Tribunal

Case No : Original Application No. 1257 Of 2020

P. Lakshminarayana

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 11-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0050

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

Bench : Division Bench

Advocate : Rohan Thawani, Pooja Dhar, A.K. Singh

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Investigator in the Ministry of Micro, Small and Medium Enterprises, the 1st respondent herein, since 1998 at Chennai. Through an order dated 15.05.2020 he was transferred to New Delhi. The applicant made a representation narrating his problems on account of his transfer. Thereafter, a revised order was issued on 24.07.2020 transferring him to Tirunelveli and he was relieved from duties at Chennai. The applicant filed O.A. No.972/2020 before this Tribunal challenging the order of transfer dated 24.07.2020. On 27.07.2020, the said OA was disposed of at the admission stage, leaving it open to the applicant to make a representation narrating his grievances, and directing the respondents to pass orders on the same. Stating to be in compliance of the order passed in the OA, the respondents passed order on 28.08.2020 reiterating the transfer of the applicant to Tirunelveli. This OA is filed challenging the order dated 28.08.2020 with a prayer to defer the transfer of the applicant to Tirunelveli by one year.

2. The applicant contends that his initial transfer to Delhi itself was contrary to the policy framed by the Govt. and it was effected with a view to deprive him of an opportunity of being made part of an important cell at Chennai. It is also

stated that in the name of considering his representations against the transfer, the respondents have transferred him to Tirunelveli to accommodate another person. The applicant further contends that his daughter is appearing in BE final year examination, his son is studying in 10th class and that his father is undergoing treatment in Chennai; and that his presence at this point of time at Chennai is essential.

3. We heard Shri Rohan Thawani and Ms. Pooja Dhar, learned counsel for applicant and Shri A.K. Singh, learned counsel for respondents, at the stage of admission, through video conferencing.

4. The applicant was working at Chennai for the past 22 years. Though it is pleaded that his transfer to Delhi in May 2020 was for extraneous reasons, we are not impressed by that. Any employee, who is working in the same station for two decades, does not need any further reasons for his transfer. Albeit, it is urged before us that a benefit was about to accrue to the applicant, the state of affairs in any organization do not remain static.

5. On a consideration of the representation of the applicant, feeling aggrieved by the order of transfer, that the respondents transferred him to Tirunelveli. It is a different matter that one who was transferred from Tirunelveli may request for his transfer. The transfer of the applicant does not become vitiated on account of that fact. At any rate, the effort of the applicant is to ensure that he remains at Chennai for a period of one year.

6. We are of the view that the applicant can make a representation to the respondents after joining at Tirunelveli, to enable him to attend to the needs of his father and children, as and when needed, for brief period. In such case, the respondents can consider the feasibility of permitting him to attend to such functions without compromising with the functioning of the office.

7. We, therefore, dispose of the O.A. leaving it open to the applicant to make a representation to the respondents after joining at Tirunelveli, to permit him to attend to the needs of his children and father for brief spells, as and when needed.

There shall be no order as to costs.