
(2021) 07 CAT CK 0034

In the Central Administrative Tribunal

Case No : Original Application No. 1391 Of 2021

Prashant Kumar Sinha

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 27-07-2021

Acts Referred:

Citation : (2021) 07 CAT CK 0034

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

Bench : Division Bench

Advocate : Praveen Chandra, Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

(Through Video Conferencing)

1. The applicant is working as Commissioner in the Central Board of Indirect Taxes and Customs, Department of Revenue, Ministry of Finance.

Through an order dated 15.07.2021, the Government transferred 213 officers of the department to various places. The applicant, who was working in

the Office of Director General (Systems), Delhi, was transferred to Director General (Audit), Kolkata Zone. This OA is filed challenging the order of

transfer insofar as it relates to the applicant.

2. It is stated that the applicant was subjected to repeated transfers and he held various positions to the satisfaction of the authorities. In the narration,

the applicant stated that an FIR was lodged against him on 17.04.2018 as regards his functioning as an Officer at Dhanbad and that a charge memo

was also issued on 23.05.2019. It is stated that the son of the applicant is suffering from Autism Spectrum disorder and in terms of the guidelines

issued in OM dated 17.11.2014, the employees whose children suffer from such diseases shall not be subjected to frequent transfers.

3. Today, we heard Shri Praveen Chandra, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

4. The applicant has no doubt, served at various places ever since he was appointed in the department in the year 1992. That, however, is part of the service. As of now, the applicant is facing disciplinary proceedings as well as the criminal cases. His stay at Delhi was also not less than any ordinary spell. It is not, as if, the applicant was singled out in the context of transfers. More than, 200 officers were transferred and interference with one such order, would have its own cascading effect on the chain of transfers.

5. The guidelines contained in OM dated 17.11.2014 are by their very nature, directory, as is the case with any other guidelines relating to transfer.

They need to be followed and kept in mind as far as possible. Time and again, the Honâ??ble Supreme Court held that deviation from such guidelines by itself, cannot lead to annulment of orders of transfer. By any standard, the impugned transfer of the applicant cannot be said to be illegal or arbitrary.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.