
(2020) 09 CAT CK 0056

In the Central Administrative Tribunal

Case No : Original Application No. 1294 Of 2020

Rakesh Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 16-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0056

Hon'ble Judges : Pradeep Kumar, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Ashish Nischal, Sanjeev Yadav

Final Decision : Dismissed

Judgement

R. N. Singh, Member (J)

1. Mr Ashish Nischal, learned counsel appeared for the applicant and Mr Sanjeev Yadav, learned counsels appeared for the respondents.

2. The applicant herein is working as Assistant Director (Horticulture) under the respondents. He has preferred the instant OA seeking quashing of the transfer order dated 14.8.2020 wherein he was transferred from Delhi to Chandigarh. The applicant made a representation which was rejected vide order dated 10.09.2020. Aggrieved at this rejection, OA has been preferred.

3. In this rejection order, it is indicated that a vigilance investigation is going on and the applicant is required to be posted on a non-sensitive post. Since no such non-sensitive post is available in Delhi, the applicant is transferred to Chandigarh where such a post is available.

4. The applicant pleaded that his wife is working in Dr R.M.L. Hospital and in terms of DOPT directions, both husband and wife are required to be posted at one place.

5. Applicant also takes reliance of policy directions issued by the CPWD wherein

guidelines have been given that those who are retiring within two years, may not be transferred. In the instant case, applicant is going to superannuate on 28.02.2022 from this fact also applicant has to be retained at Delhi.

6. Since his request has been rejected, he has preferred the instant OA seeking relief to stay the transfer order dated 14.8.2020.

7. Matter has been heard. In view of the peculiar circumstances that a vigilance investigation is going on and the applicant was posted at Delhi for about 18 Years & six months while outside Delhi he has been posted for 4 years & 10 months, the Tribunal does not find any merit to interfere with the transfer order in the instant OA.

8. OA stands dismissed. No costs.