
(2025) 04 CAT CK 0381

In the Central Administrative Tribunal, Principal Bench, New Delhi

Case No : Original Application No. 1365 Of 2025, Miscellaneous Application No. 1561 Of 2025

Somesh Tiwari

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 17-04-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2025) 04 CAT CK 0381

Hon'ble Judges : B. Anand, Member (A)

Bench : Single Bench

Advocate : B.S. Rajesh Agrajit, Hitesh Kumar Bagri

Final Decision : Disposed Of

Judgement

B. Anand, Member (A)

1. By way of the present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following relief(s):-

"a) to stay the effect and operation of the impugned transfer order dated 04.04.2025, qua the applicant till the decision of the present O.A.

b) to set aside the relieving order dated 7.4.2025 of the applicant.

c) direct the respondents to not hinder the working of applicant as Commissioner (Appeals) Guntur till this OA is finally decided."

2. Brief facts of the case are that on being transferred from Kanpur the applicant joined the Guntur Andhra Pradesh on 21.06.2013, Andhra Pradesh which falls in South-1 Zone. The applicant's name was not figured in the due list of officers to be transferred as he did not complete two years in South-I zone. In spite of that, vide impugned transfer order No.70/2025 dt. 04.04.2025, he has been transferred to South 2 Zone. Learned counsel for the applicant has thus, commenced his arguments by stating that this transfer order is in violation of

para 5 of transfer/placement guidelines 2018 as no reason has been given in the transfer order for such blatant deviation in transfer policy.

3. Learned counsel for the applicant submits that the applicant has in recent past, filed some complaints against the placement committee of the CBIC for misuse of their power of transfer to victimize the applicant for implementing the official language policy. He submitted that the transfer of the applicant to farther place, i.e. Madurai in Tamil Nadu which is known for Anti Hindi sentiments, is nothing but misuse of power of transfer.

4. Learned counsel for the respondents vehemently opposed the prayer of the applicant for grant of any interim relief, stating that the applicant stands already relieved from his present assignment at Guntur on 07.04.2025 and is expected to join his new place of posting at Madurai.

5. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if he is given a liberty of making a representation against the aforesaid transfer order and that the respondents be directed to dispose of the same within the time limit as fixed by this Tribunal.

6. In view of the facts and circumstances, the present O.A. is disposed of at admission stage itself with a direction to the applicant to give a succinct representation to the competent authority amongst the respondents containing all the grounds based on which he seeks indulgence of the department to reconsider his transfer to Madurai and the respondents are directed to consider and dispose of the same by passing a reasoned and speaking order as expeditiously as possible and preferably within five weeks of receipt of a copy of such representation.

7. The OA stands disposed in the aforesaid terms. No costs.

8. Pending MA(s), if any, also stands disposed of accordingly.

9. Order 'Dasti'.