

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00088/2020

Date of Order: This, the 08th day of May 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Md. Jalil Ali
 Son of Late Unish Ali
 Skilled Work Assistant
 Suklai Site, Nokata under Puthimari
 Pagladia Sub-Division
 Middle Brahmaputra Division
 Central Water Commission, Post Office – Naokata
 District – Nalbari, Pin – 781364, Assam.

...Applicant

By Advocates: Sri A. Ahmed & Smt. D. Goswami

-Versus-

1. The Union of India
 Represented by the Secretary
 To the Government of India
 Ministry of Water Resource
 New Delhi, Pin – 110001.
2. The Superintending Engineer
 Central Water Commission
 Hydrological Observation Circle
 CWC, Complex, Behind Adabari Bus
 Terminus, Adabari, Guwahati
 Pin Code – 781014.
3. The Executive Engineer
 Central Water Commission
 Middle Brahmaputra Division
 CWC Complex, Behind Adabari City
 Bus Stand, Adabari Guwahati
 Pin – 781014.

4. The Executive Engineer
 Central Water Commission
 Upper Brahmaputra Division
 Dibrugarh, Jibon Phukan Nagar
 Post Office – C.R. Building, Pin – 786003.

...Respondents.

By Advocate: Sri A. Chakraborty, Addl. CGSC.

O R D E R (ORAL)

MANJULA DAS, MEMBER (J)



By this O.A., applicant makes for the following
 reliefs:-

“8.1 To set aside and quashed the impugned
 Transfer Order No.
 1/7/Transfer(W.C)/2015/3078-88 dated
 03.12.2019 in case of the applicant.

8.2 To direct the Respondent No. 2 to retain the applicant in his present place of posting at Suklai Site or be posted to Solmari site, Puthimari Pagladiya Sub-Division, Nalbari, Puthimari site, Patasarkushi site, Nona site or any nearby site under Middle Brahmaputra Division, Central Water Commission.

8.3 To pass any other relief (s) to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

8.4 To pay the cost of the application.”

2. Sri Adil Ahmed, learned counsel for the applicant and Sri A. Chakraborty, learned Addl. CGSC for the respondents.



3. It was submitted by Sri Adil Ahmed, learned counsel appearing on behalf of the applicant that vide impugned transfer order dated 03.12.2019, the applicant was transferred to Tuting (UBD), Arunachal Pradesh from Suklai (MBD), Baksa, State of Assam. The applicant is presently working as Skilled Worked Assistant (SWA), CWC at Suklai Site. According to Ahmed, applicant's only daughter has already appeared in HSLC Examination 2020 in Assamese Medium with Sanskrit under the Board of Secondary Education, Assam. Result of the Examination is yet to be declared and at this juncture, if the applicant is transferred, the applicant along with his only daughter more particularly her education will be hampered. Sri Ahmed also submitted that recently the applicant made with a major accident for which he is not in a position to join at his transferred place at Tuting (Arunachal Pradesh). Still he is under observation of Doctor at Guwahati.

4. Sri Ahmed further submitted that applicant is a Group 'D' employee and normally a Group 'D' employee should not be transferred in to far place. According to Sri Ahmed, in view of the impugned transfer order dated 03.12.2019, in respect of the

applicant, the applicant suffered a lot. As the applicant's movement is restricted and he is unable to serve at hill station, the learned counsel pray for consideration of his case either extending his tenure for another six months' at Suklai or to post him nearby station under Baksa, so as to enable him to look after his family.



5. On the other hand, Sri A. Chakraborty, learned Addl. CGSC appearing on behalf of the respondents submits that since 2012, the applicant rendered his services at Suklai Site under Pagaladia Sub-Division Central Water, Commission. More so, routine transfer was made. As such, there is no malafide or malice of law in the impugned transfer order dated 03.12.2019. Hence transfer order dated 03.12.2019 shall not be interfered by this Tribunal.

6. Having heard the learned counsel for both the parties, perusal of the pleadings enclosed with the O.A., it is noted that applicant is serving as Skilled Worked Assistant (SWA), CWC at Suklai Site and said post is a Group 'C' employee. It also appears that his only daughter appeared in the Matriculation Examination. Moreover, he made with a major accident for which

presently he is unable to join and serve at Tuting (Arunachal Pradesh). We are of the opinion that for all fairness, the applicant may be given some relaxation more particularly – (i) he made with a major accident and he is under treatment at Guwahati & (ii) his only daughter appeared in the HSLC examination 2020.



Keeping in view of the above, we deem fit and proper to direct the respondents allow the applicant to render his service either at Suklai (Baksa) or alternatively nearby station of Suklai for another six months' so as to enable him to look after family affairs and his ward as well as to take his treatment at Guwahati, subject to submission of 'Fitness Certificate'. Ordered accordingly.

7. With the above observations and directions, O.A. stands disposed of accordingly at the admission stage. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)