

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/16/2018

Hyderabad, this the 13th day of March, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

1. Thirupalu, S/o. late N. Padda Nagaiah,
Aged about 52 years,
Occ: Senior Social Security Assistant,
In the O/o. Asst. P.F. Commissioner, Kurnool,
R/o. 80-132-D-4A, Venkatadri Nagar,
B. Camp Road, Kurnool – 518002.
2. N. Sriramulu, S/o. late N. Chinna Nagaiah,
Aged about 46 years,
Occ: Senior Social Security Assistant,
In the O/o. Asst. P.F. Commissioner, Kurnool,
R/o. MIG 6, New Housing Board Colony,
B. Camp Road, Kurnool – 518002.

... Applicants

(By Advocate: Mr.K. Siva Reddy)

Vs.

The Union of India, Rep. by

1. The Addl. Central Provident Fund Commissioner,
Employees Provident Fund Organization,
Zonal Office, Barkatpura, Hyderabad.
2. The Regional Provident Commissioner II/ OIC,
Regional Office, Kadapa.
3. The Asst. Provident Commissioner,
District PF Office, 45-24J, Ashok Nagar, Kurnool.

... Respondents

(By Advocate: Mr. G. Jaya Prakash Babu, SC for EPFO)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. This OA is filed challenging the validity of the transfer vide Office Order No.40 of 2017-18 dtd. 1.1.2018.



3. Brief facts are that the applicants while working as Social Security Assistants in the respondents organisation were posted on transfer to District Offices due to restructuring of the respondents organisation, after calling for options and the applicants thus came to be posted in the 3rd respondent office vide office order dated 22.5.2017. Later, on 1.1.2018 respondent No.2 cancelled the transfer orders issued at the instance of the 1st respondent. Aggrieved, the OA has been filed.

4. The contentions of the applicants are that the transfer order was cancelled within a short period and that too without notice. School going children and poor health of the family members are the other grounds raised. Applicants represented against the transfer order on 2.1.2018 and it has not been disposed of. The grounds for transfer are not administrative but for some extraneous consideration.

5. Respondents in the reply statement state that the representations of the applicants against the transfer order have been forwarded to the Zonal Office of the respondents organisation on 8.1.2018 and the same are pending with the 1st respondent.

6. Heard both the counsel and perused the pleadings on record.

7. I) Applicants have been transferred to the 3rd respondent office on 22.5.2017 after calling for options. Thereafter, it is reported that at the instance of the 1st respondent the transfer orders were cancelled ordering status quo ante. Applicants on approaching the Tribunal, as an interim measure the respondents were directed on 3.1.2018, to retain the applicants at stations where they were working. Representations made by the applicant have been referred to the 1st respondent in 2018 and a decision is yet to be taken in the matter. The grievance of the applicants is that the cancellation of the transfer order dt 22.5.2017 was without notice and that in view of the personal issues relating to the education of children and health of the family members they need to be retained at 3rd respondent office. Besides, retransferring them within a short period is neither in the interests of the organisation or the applicants is the fervent submission of the Ld. Counsel for the applicants. In response the Ld. Counsel for the respondents has submitted that transfer is an incidence of service and it has to be done in organisational interests and that all other employees complied with the proceedings dated 1.1.2018 except the applicants.



II) After hearing both the counsel, 1st respondent is directed to dispose of the representations dated 2.1.2018 of the applicants by issuing a speaking and reasoned order as per extent rules and in accordance with law, within a period of 8 weeks from the date of receipt of this order. Till the disposal of the representation the applicants are to be continued in the

station where they are working as per the interim order cited. Consequent to the disposal of the representations, if the applicants are aggrieved with the decision of the respondents they are granted the liberty to approach the Tribunal, if they so desire.



III) With the above direction, the OA is disposed of, with no order as to costs.

/evr/

(B.V. SUDHAKAR)
MEMBER (ADMN.)