

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 045/00070/2020

Date of Order: This, the 24th day of February 2020

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

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



Shri Taizuddin Ahmed
 Son of Late Asman Ali
 Skilled Work Assistant
 Tuting Site
 Upper Brahmaputra Division
 Central Water Commission
 Post Office-Tuting
 Pin – 791105, Arunachal Pradesh.

...Applicant

By Advocates: Sri Adil Ahmed, Smt. Doli Goswami,
 Ms. Alnu Theyo and Ms. Livika Kiba

-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
Upper Brahmaputra Division
Dibrugarh, Jibon Phukan Nagar
Post Office – C.R. Building
Pin – 786003, Assam.

...Respondents.

ORDER (ORAL)

MANJULA DAS, MEMBER (J)



On being mentioned by Sri Adil Ahmed, learned counsel for the applicants, this O.A. is being taken up today.

2. This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “8.(i) To direct the Respondents particularly Respondent No. 2 to release the Applicant immediately within forthwith from Tuting Site Arunachal Pradesh without waiting for substitute.
- (ii) To direct the Respondents particularly Respondent No. 2 to modify the Applicant transfer order dated 03.12.2019 by transferring him at any of his 3 (Three) Choice Station i.e. (i) Pagladiya Site, (ii) Puthimari Site and (iii) Nalbari Sub-Division (Pagladiya and Puthimari Sub-Division) which is nearer to home town or particularly in Nalbari Sub-Division (Pagladiya and Puthimari Sub-Division) wherein one post of SWA will be vacant as incumbent SWA is going to be retire on 29.02.2020.

- (iii) 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."



3. Sri Adil Ahmed, learned counsel appearing on behalf of the applicant submits that the applicant is working as Skilled Worked Assistant (SWA), CWC at Tutting Site. After completion of 05 years of service at Tutting site, he had submitted representation on 18.07,2018 before the respondent No. 2 by giving three choice place of station i.e. (i) P.P. Sub-Division, (ii) Pagladiya Site and (iii) Puthimari Site for his transfer from Tutting Site under Upper Brahmaputra Division, CWC. Thereafter, the Superintending Engineer, Central Water Commission, Hydrological Observation Circle, Guwahati i.e. respondent No. 2 had issued the transfer order dated 03.12.2019 by which the applicant was transferred to Suklai under Middle Brahmaputra Division, CWC against the incumbent Md Jalil Ali, SWA. Despite the said order passed on 03.12.2019, the applicant has not yet been relieved by the respondents from his present place of posting i.e. Tutting Site. Therefore, the applicant made representations dated 20.12.2019 and 01.01.2020 before the respondent Nos. 2 & 3 with a

request to release him immediately from his present place of posting i.e. Tuting. But the same has not yet been disposed of.

4. Heard Sri A. Ahmed, learned counsel for the applicant. Perused the pleadings and materials placed before us as well as impugned order dated 03.12.2019.



5. From the perusal of transfer order dated 03.12.2019, it appears that the applicant will be relieved after joining of his incumbent i.e. Md. Jalil Ali, SWA. In the said transfer order, it was also mentioned that the Controlling Officer of the transferred official under Serial No. 2, 4, 6 and 8 must relieved them on or before 31.12.2019 with direction to join at their new place of posting. But the said order has not yet complied with despite specifying that the incumbent Md. Jalil Ali, SWA shall had to be released before 31.12.2019.

6. In view of the above, without going into the merit of the case as well as without issuing notice to the respondents, we deem fit and proper to direct the respondent authorities to allow the applicant to join in his transferred place at Suklai under Middle

Brahmaputra Division, CWC by releasing the incumbent Md. Jalil Ali, SWA, immediately. Ordered accordingly.

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



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)