

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**



**O.A No. 359/2019 With
M.A No. 3710/2019**

This the 19th day of December, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Anil Rastogi, 56 years,
Senior Architect, Group-A,
S/o. Late Shri Prem Shanker
R/o. F-60, Sheikh Sarai, Phase-I,
New Delhi – 110 017.

....Applicant

(By Advocate : Mr. Rahul Sharma)

Versus

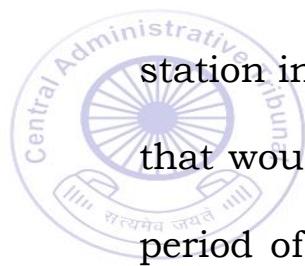
1. Ministry of Housing and Urban Affairs,
Through its Secretary,
Government of India
Nirman Bhawan, New Delhi.
2. Director General,
CPWD,
Nirman Bhawan,
New Delhi.
3. Deputy Director General (Personnel)
CPWD, Nirman Bhawan,
New Delhi.Respondents

(By Advocate : Ms. Aishwarya Dobhal for Mr. Hilal Haider)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is working as a Senior Architect in the CPWD. Through an order dated 08.10.2018, he was transferred from Delhi to Patna. The same is challenged in

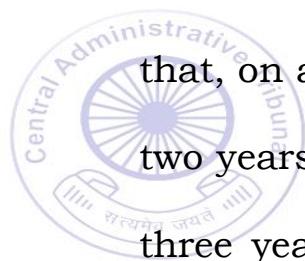


this O.A. The applicant contends that he worked in hard station in Meghalaya for a period of two years and normally that would entail in retention at a place of his choice for a period of three years, and though he was posted in Delhi, just one year ago, he was transferred to Patna. Placing reliance upon the transfer policy, the applicant has challenged the order of transfer by filing this O.A.

2. Respondents filed a counter affidavit. It is stated that the post of Sr. Architecture is available at limited stations and on account of existence of the vacancy at Patna, at the relevant point of time, the applicant was transferred to that place in the course of general transfers. It is also stated that in the interregnum, the department was re-organised and the same resulted in the disbandment of the post of Senior Architecture from Patna.

3. We heard Mr. Rahul Sharma, learned counsel for applicant and Ms. Aishwarya Dobhal for Mr. Hilal Haider, learned counsel for respondents.

4. The challenge in this O.A is to the office order dated 08.10.2018, in so far as it relates to the applicant. Several officers of different categories were transferred through the said order. The applicant, who was in the office of PWD in Delhi, was transferred as Sr. Architecture to Patna.



5. The principal contention urged by the applicant is that, on account of his transfer at Meghalaya for a period of two years, he was entitled to remain in Delhi for a period of three years. Though, the guidelines may have provided for that, much would depend upon the administrative exigency. It is brought to our notice that though, the vacancy existed at Patna, it ceased later on account of the reason of re-organisation of the department. The respondents need to issue a fresh order of posting to the applicant.

6. On 31.01.2019, while admitting the O.A, we passed interim order directing that the applicant shall not be relieved from the existing post or compelled to join at the new station, for a period of four weeks. The applicant states that despite that, he was not permitted to remain at Delhi. For one reason or the other, interim order was not extended thereafter. At the same time, the applicant cannot be deprived of the salary, once he was granted the interim relief. We, therefore, dispose of the O.A directing that the :-

(a) The respondents shall pass a fresh order on posting/transfer in respect of the applicant, within one week from today.



(b) They shall also release salary for a period of 6 months to the applicant, in case, he reports duty at the transferred place.

(c) The manner in which the period from 08.10.2018, shall be treated, shall be decided by the competent authority.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/