

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.668/2001

Monday, this the 30th day of April, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Jayant Kumar Arora  
Assistant Engineer  
Central Water Commission  
73, Housing Board Colony  
Sector-7, Extension, Gurgaon, Haryana.

..Applicant.

(By Advocate: Shri Suresh Tripathy)

VERSUS

1. Union of India through  
its Secretary, Ministry of Water Resources  
Shram Shakti Bhawan, New Delhi-1.

2. The Chairman  
Central Water Commission  
Sewa Bhawan, R.K.Puram  
New Delhi.

3. The Under Secretary  
Central Water Commission  
Sewa Bhawan, R.K. Puram, New Delhi.

..Respondents

(By Advocate: Ms. Harvinder Oberoi)

O R D E R (ORAL)

On his repatriation from Narmada Control Authority, Mandla, M.P. where he had gone on deputation, the applicant has been transferred/posted to Middle Ganga Division-V, Central Water Commission, Patna by the order of the respondents dated 5.1.2001 (Annexure A-1). The applicant has impugned the same on the ground of being arbitrary and illegal besides being violative of the policy followed by the respondents. The education of his child who is in the 8th standard and the illness of his father are the two grounds taken by the applicant in support of his case. His father who is 65 years old suffers from acute Diabetes Mellitus and also from osteoarthritis of knees. According to him, two lady

2

(2)


officers, namely, Ms. Saroj Aggaral and Ms. Sushila Bai who have been working at New Delhi for more than 23 years and 11 years respectively, have been allowed to stay on at New Delhi against the provisions of the transfer policy and, in this way, he has been discriminated against. He also places reliance on the order passed by this Tribunal in OA 1892/1999 decided on 2.5.2000 (Annexure A-2). In that case, the applicant was transferred out from New Delhi to Jaipur along with the post of Assistant Engineer (Wireless).

2. The learned counsel appearing on behalf of the respondents has argued in favour of rejection of the applicant's OA on the ground that he has not disclosed any malafide nor any violation of statutory orders and at the same time, has not shown that the order suffers from the vice of arbitrariness. The transfer of the applicant involved ~~immediate~~ <sup>a minimum</sup> dislocation and was made on 5.1.2001 whereas his deputation was coming to an end on 31.1.2001. The applicant chose not to react in the matter immediately and has instead decided to file the present OA on 14.3.2001, i.e., more than two months after the order of transfer was passed. The OA has thus been filed, according to the respondents, as an after-thought. The representation filed by him on 22.2.2001, i.e., again more than one and half months after the transfer order was issued, has been considered by the respondents and they have decided not to accept the plea taken by the applicant. According to the learned counsel for the respondents, transfers are made in exigencies of service and as far as possible in accordance with the policy

(3)

invogue. Transfers cannot be regarded as punishment. On the other hand, transfer is a mere incidence of service. She has stressed that in the circumstances the OA deserves to be rejected.

3. I have considered the matter carefully and find force in the arguments advanced on behalf of the respondents. In my view, the application fails and deserves to be dismissed. The same is accordingly dismissed. No order as to costs.



(S.A.T. RIZVI)  
MEMBER (A)

/sunil/