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Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2857/99

New Delhi this the 20st day of January 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

Shri M.L. Meena,
S/o Shri Jiwan Lal Meena,
R/o H.No. 3, Shyam Nagar,
New Delhi-110020

...Applicant

(By Advocate: Shri M.K.Gupta)

Versus

1. Council of Scientific & Industrial Research,
through its Director General,
Anusandhan Bhawan,
Rafi Marg, New Delhi-11001
2. Central Road Research Institute,
through its Director,
Delhi Mathura Road,
New Delhi-110 020

...Respondents

(By Advocate: Shri Manoj Chatterjee)

ORDER (Oral)

The order of transfer dated 23.12.99 is impugned in this OA. The applicant who is working as Administrative Officer/Under Secretary in CSIR in Delhi has been transferred to CMERI, Durgapur, West Bengal. He is directed to join the new place of posting immediately or in any case within one month from the date of issue of the said order.

2. The applicant raises several grounds of attack in the OA including that the transfer is in-violation of the guidelines issued by the department itself. Learned counsel for the respondents, however, refutes the contentions and submits that it lies in the discretion of the employer to order transfer in public interest.



3. It is seen from the guidelines issued by the department in its policy dated 10.7.98 that one of the guidelines is that transfer orders should be issued before the start of academic session preferably in the month of February/March. It is the grievance of the applicant that his children are studying in school and the present transfer, which has been effected during the mid-academic session, is bound to affect their studies. Learned counsel also submits that applicant has made a representation on 24.12.99 bringing the above facts to the respondents. It is true, as contended by the ld. counsel for the respondents that notwithstanding the above guidelines, any officer of the common cadre can be transferred by DG, CSIR at any time in public interest. But it is not a single transfer that is effected in the impugned order. 18 persons have been transferred out to various other places and the learned counsel for the respondents started his arguments stating that any order passed in this OA would affect other transferees. In the circumstances, I am of the view that there can be no good reason to transfer the applicant during the academic session particularly when the exams to the students are on the anvil. It is stated that the academic year would come to an end only by

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the 15th of March. The Supreme Court has taken a view in similar matter that it is necessary for the employer to see that the transfers should not be effected during the final examination to the students.

4. In the circumstances, without going into the merits of the case, I direct that the transfer of the applicant be kept in abeyance till 31st March 2000. Learned counsel for applicant submits that the applicant would abide by the order of transfer in joining the new post on or before 01.04.2000. With this direction, the OA is disposed of. No costs.


(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.