

Central Administrative Tribunal  
Principal Bench: New Delhi

OA 2157/96

New Delhi this the 10th day of December 1996

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

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Brijender Singh  
Working as Junior Engineer (Civil)  
at Ghaziabad, Central Division  
Hindan, Ghaziabad. ...Applicant.

(Through Advocate: Shri Surinder Singh)

Versus

1. Director General of Works  
CPWD, Nirman Bhawan  
New Delhi.
2. Superintending Engineer  
Coordinating Circle (Civil)  
CPWD, I.P.Estate, New Delhi
3. Executive Engineer (Civil)  
G.C.D.Hindan  
Ghaziabad. ...Respondents.

(By advocate: Shri Madhav Panikar)

O R D E R (oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This application is directed against orders dated 10.6.96 and 9.7.96 by which the applicant has been transferred from the post of Junior Engineer, Ghaziabad Central Division to Training Institute, Ghaziabad. The applicant assails these orders on the ground that in the midst of academic session especially when the applicant has been there only for the last 6 months, the transfer is causing him undue hardship. He also states that the change would also result in vacation of his quarter which would cause undue hardships to him.

2. Respondents in their reply have indicated that the transfer is within the same station and in the transferred place also, he will be allotted a quarter.

I have heard the counsel on either side. Transfer is an incidence of service and an officer holding a transferable post has no right to say that he should be retained on a particular post or any particular station, but the personal inconvenience, hardship etc. also have to be taken note of by the competent authority while ordering transfer. Learned counsel on either side agree that the application can now be disposed of with a direction to the applicant to give effect to the impugned order of transfer after a month from today on the understanding that the respondents would by that time allot a residential accommodation to him and ensure proper handing over and taking over of the stores. In the result, the application is disposed of with following directions:

- (a) The applicant shall hand over charge of his office on or before 30.1.97 and give effect to the transfer by joining his transferred post of Junior Engineer at Ghaziabad Training Institute on next date.
- (b) On his joining as Junior Engineer at Ghaziabad Training Institute, the respondents shall allot a residential accommodation to him. After joining at the transferred post, the applicant may make a representation to the respondents in regard to regularisation of the period he has not been attending office and the respondents may pass appropriate order taking a sympathetic view in the matter.

No order as to costs.

  
(A.V.Haridasan)  
Vice Chairman (J)

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