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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

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O.A.No.604 of 1996

Dated New Delhi, this 24th day of May, 1996.

HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

Tirath Ram Rata
S/o Late Shri Jiwan Dass Rata
R/o H.No.520, Jawahar Colony
N.I.T. Faridabad (Haryana). ... Applicant
By Advocate: Shri S. S. Tiwari

versus

1. Central Provident Fund Commissioner
25 Shivaji Marg
Najafgarh Road
NEW DELHI.
2. The Regional Provident Fund
Commissioner, Haryana
Bhavishya Nidhi Bhawan
Sector-15A
FARIDABAD-7. ... Respondents

By Advocate: Shri M. K. Gupta, proxy counsel
for Shri K. C. Sharma.

O R D E R (Oral)

Admit.

Heard the learned counsel for the parties. The matter being relatively a short one, is disposed of by the following order.

The applicant is aggrieved that he was transferred in accordance with the transfer policy from Regional Office, Faridabad to Sub-Regional Office, Karnal with effect from 1.3.1996. It is alleged in the application that some of the seniors of the applicant have not been

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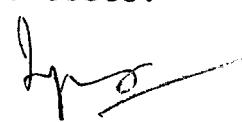
transferred whereas he has been transferred which is against the transfer policy. Accordingly, an ad-interim order was granted by the Tribunal restraining the respondents from giving effect to impugned order of transfer.

Respondents have contested this application by filing their counter wherein it is stated that one of the juniors had been retained temporarily on compassionate grounds and he was also liable to be transferred as soon as the post surgery treatment of his ~~daughter~~ is over, in the next batch of transfers. As regards another junior, namely Shri Balbir Singh Yadav, it is averred that he is not a senior most in stay at present as he was transferred to Sub-Regional Office, Karnal on 19.8.92 and was reposted to Faridabad after a period of 18 months and the applicant was not transferred to Karnal.

Be that at it may, the respondents have also filed another circular dated 6.5.1996 alongwith the reply which supersedes the earlier transfer according to which the respondents are supposed to maintain a transfer roster and the transfer roster will be according to the seniority subject to the condition that the names of the Head Clerks who have already worked in SRO will be entered in that order

below the names of those officials who havd not served any tenure in Sub-Regional Office. The learned counsel for the applicant submits that the above circular has been issued after he had filed the present application and, therefore, maintains that the original transfer was not strictly in accordance with the earlier transfer policy. The learned counsel for the respondents submits that even according to the revised transfer policy the transfers are normally for a period of one year only and in extreme administrative exigencies, this period can be extended.

In the light of the above, the application is disposed of with the direction to the applicant that if he is aggrieved by his retention in the new place of posting beyond the normal period as provided under the revised transfer policy, it is open to him- to seek such remedy in the appropriate forum. The transfer order is upheld. No costs.


(K. MUTHUKUMAR)
MEMBER (A)

DBC