

Central Administrative Tribunal Principal Bench, New Delhi

(Through video conferencing)

O.A. No.952/2020

M.A. No.1176/2020

Wednesday, this the 29th July, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. All India DGQA Engineers Association,
Represented by the President,
Mr. Pradeep Kumar,
S/o. Sh. Jagdish Prasad,
Aged about 40 years,
Office at Room No. 115, "G" Block,
Nirman Bhawan PO,
New Delhi – 110011.
2. Deepak Kumar Jain, AE (QA),
S/o Shri Gopi Chand Jain,
S-7 Paras Vihar,
Jain Mandir Complex,
Niranjan Park, Najafgarh Road, New Delhi.

...Applicants

(Through Mr. Shivam Bajaj, Advocate)

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
Department of Defence Production,
Room No. 136, South Block,
New Delhi – 110001.
2. The Director General,
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Room No. 308-A, D-Wing,
Sena Bhawan, Nirman Bhawan,
New Delhi – 110011.

3. The Addl DGQA (ADM),
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Room No. 55, G- Block,
New Delhi – 110011.
4. The Addl DGQA DQA (A),
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Nirman Bhavan PO, New Delhi – 110011.
5. The Addl DGQA DQA (V),
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Nirman Bhavan PO,
New Delhi – 110011.
6. The Addl DGQA DQA (L),
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Nirman Bhavan PO,
New Delhi- 110011.
7. The Addl DGQA DQA (EE),
Directorate General of Quality Assurance,
Ministry of Defence (DGQA),
Kashmir House,
New Delhi – 110011.
8. The Secretary,
Department of Personnel & Training,
South Block, New Delhi – 110001.

..Respondents

(Through Mr. Gyanendra Singh, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy:

M.A. No.1176/2020

M.A. seeking joining together in a single application is allowed.

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The applicant No.1 is an Association of All India DGQA Engineers. The Ministry of Defence passed an order dated 20.07.2020 directing transfer of 76 Engineers of different categories. Similarly, through orders dated 10.007.2020 and 08.07.2020, some more officials are transferred on rotational basis. This O.A. is filed challenging all the three said orders of transfer.

2. The principal ground urged by the applicants is that on account of a serious condition due to Covid-19 pandemic, it is difficult for the officials to move to different places and the orders of transfer, at this point of time, are not warranted. It is also stated that in some Departments, a policy decision has been taken not to transfer the

employees in this situation, whereas the respondents did not take this situation into account.

3. We heard Mr. Shivam Bajaj, learned counsel for applicants and Mr. Gyanendra Singh, learned counsel for respondents, at length at the stage of admission.

4. the outset, we take exception to the manner in which the Association has chosen to file the present O.A., that too challenging the three orders of transfer involving nearly 200 officers. It is not uncommon that whenever such large scale transfers are made, persons feeling any difficulty, approach the Tribunal and ventilate their grievances. Finding fault with the making of general transfers, in an important organization like DGQA in the Ministry of Defence, that too, by an Association, is rather un-heard of.

5. Be that as it may, the grievance of the applicants is about the situation, that emerged on account of Covid-19. There is a reference to such a situation in the order of transfer itself. Even otherwise, the

movement of the transferred employee is always subject to the restrictions that are in force either in the area in which he is working at present or the one to which he is transferred. There is no reason to believe that the respondents would expose its employees to imminent threat of pandemic.

6. We are not inclined to entertain the O.A. At the same time, we make it clear that the movement of the officers on the basis of the impugned orders of transfer shall be subject to the restrictions, as to movement on account of Covid-19 situation, at the relevant places. The individual grievances, if any, in this behalf shall be addressed. We also make it clear that if for any reason the physical shifting of the official becomes difficult and work from home is permitted, they shall stand transferred to the concerned place and shall work as an employee of the establishment to which he is transferred.

7. The O.A. is accordingly dismissed with the observations, as above.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/jyoti/ankit/