

**Central Administrative Tribunal
Principal Bench**

**OA No.972/2020
MA No.1202/2020**



New Delhi, this the 31st day of July, 2020

(Through Video Conferencing)

**Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

P. Lakshminarayana,
Aged 50 years,
S/o Shri P.Malakondaiah,
R/o 20/5, CPWD Quarters, Old Campus,
1st Avenue, Service Road,
Besant Nagar, Chennai-600090
Presently posted as Investigator (Hosiery),
MSME-DI (Chennai)

...Applicant

(By Advocate Shri Rohan Thawani)

Versus

1. Union of India,
Through the office of
Development Commissioner (MSME),
Ministry of Micro, Small & Medium Enterprises,
Government of India,
Nirman Bhawan,
New Delhi.
2. The Director In Charge (Amdn),
MSME Development Institute,
Ministry of MSME, Government of India,
65/1, GST Road, Guindy,
Chennai-600032.

...Respondents

(By Advocate : Shri Anil Kumar Singh)

ORDER (ORAL)**By Hon'ble Mr. Pradeep Kumar, Member (A) :-**

The applicant herein was working as Investigator (Hosiery) under the Ministry of Micro, Small & Medium Enterprises. This is a Group 'C' post. During his service, he came to be posted at Chennai in 1998. His transfer orders were issued on 18.05.2020 for his transfer to Delhi. The applicant is a Group 'C' employee and he represented that he has to be posted within the jurisdiction of his region Chennai only. He also brought out his personal difficulties to carry out transfer at this stage.

2. The Department also collected certain information about all the staff before planning for their transfer. It is seen from the e-mail dated 11.02.2020 that in respect of the applicant, it was noted by the respondents that his daughter is studying in BE final year and his son is studying in 10th standard final year and the examination for both these finals is going to be held in the year 2021.



3. The applicant also has a 75 years old father who is a cardiac patient and needs care.

4. The applicant made a representation against these transfer orders. The respondents have issued another transfer order on 24.07.2020 (Friday), wherein, a total of three officers, including the applicant, has been transferred. The applicant is now transferred to Thirunelveli in place of Delhi.

5. It is only in respect of the applicant, out of all three, that a direction was also given that he has to be relieved on 27.07.2020 (Monday). The applicant has since been relieved also.

6. The applicant pleads that this transfer to Thirunelveli, is against the transfer policy dated 29.10.2007. It is pleaded that he has been transferred from Chennai to Tirunelveli, which is about 600 kms. away from Chennai. It is also pleaded that the Unit at Thirunelveli is not a Hosiery Unit but a Steel Unit.

7. It is in the interest of the education of his two children and in the interest of medical care of his old

father, that he has requested to give effect to his transfer next year in 2021.



8. He made a representation by email on 26.7.2020. This is not decided yet. And he has been relieved from Chennai office on 27.7.2020. Applicant preferred this OA seeking relief not to effect this transfer for one year.

9. The matter has been heard. Shri Rohan Thawani, learned counsel, represents the applicant and Shri Anil Kumar Singh, learned counsel, represents the respondents.

10. The respondents have not brought out any specific reason as to why the transfer order was firstly issued for Delhi and thereafter it was changed for Tirunelveli after about two months. Moreover, a great hurry has been shown and he has been relieved also to carry out this transfer within three days of issuing orders, wherein the two intervening days were holidays.

Learned counsel for respondents is also not having any instructions in-spite of advance notice.



12. The said transfer is also in violation of the policy decision taken by the Govt. of India under instructions dated 24.07.2020 in these COVID-19 pandemic times, which reads as under :-

“In the light of the prevailing situation arising out of pandemic (COVID-19), it is advised that rotational transfer of officers in all grades (Gr. A, Gr.B&Gr.C) should be kept in abeyance with immediate effect till further advice from the Ministry”.

13. In view of the foregoing, we dispose off the OA, at the admission stage itself, without going into the merits of the case, directing the applicant to submit a supplementary representation in continuation to his email Dt 26.7.2020, to the respondents within one week from today (31.7.2020), if he so wishes. Thereafter, the respondents shall pass a reasoned and speaking order within subsequent four weeks under advice to applicant. Till such time this speaking order is passed and advised to applicant, the applicant will be restored back to join his posting at Chennai and treated to be on duty.

Pending MAs, if any, shall stand disposed of.

There shall be no orders as to costs.

(R.N. Singh)
Member (J)

‘sd/rk/akshaya’

(Pradeep Kumar)
Member (A)