

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **03rd** day of **November**, 2020

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member-J

Hon'ble Mr. Pradeep Kumar, Member-A

Original Application No. 330/00625/2020

(U/S 19, Administrative Tribunal Act, 1985)

Sanjay Kumar Sharma S/o Chandrashekhar Sharma, Resident of N.I.C. Compound Office Bahjoi, Police Station-Bahjoi, District-Sambhal, Uttar Pradesh. Permanent resident of N.I.C. Compound Office Bahjoi, Police Station-Bahjoi, District-Sambhal, Uttar Pradesh.

.....Applicant.

By Advocate – Shri Akhilesh Tripathi.

V E R S U S

1. Director General, National Informatics Centre, Department of Electronics and Information Technology, A-Block, C.G.O. Complex, Lodhi Road, New Delhi.
2. State Informatics Officer, National Informatics Centre, E-Floor, Yojana Bhawan, Lucknow.
3. Administrative In-charge/Scientist-F/Sr. Technical Director, National Informatics Centre, E-Floor, Yojana Bhawan, Lucknow.
4. Sri Deepak Sharma, Scientist-F/ Sr. Technical Director, Administrative In-charge, National Informatics Centre, E-Floor, Yojana Bhawan, Lucknow.

.....Respondents.

By Advocate: Shri Chakrapani Vatsyayan.

O R D E R

Delivered By Hon'ble Mr. Pradeep Kumar, Member (A)

Shri Akhilesh Tripathi, learned counsel for the applicant and Shri M.K. Sharma, holding brief of Shri Chakrapani Vatsyayan, learned counsel for the respondents, both are present in court.

- 2.** Heard on admission and perused the records.
- 3.** The applicant herein was appointed as Scientist-B in National Informatics Centre (NIC) in the pay scale of Rs.6500-200-10500 on 19.11.2001. In due course of time, he was promoted and at present he was posted to NIC at District Sambhal, U.P. on 04.03.2014 on his own request. He joined there on 29.05.2014.
- 4.** At present place of posting, the District Magistrate made certain recommendations to the Director, NIC at Lucknow who is the controlling authority of the applicant and on receipt of the same, the Director considered the issue and had transferred the applicant to another place at District Mahoba, U.P. on public interest. As per the transfer order, it comes into effect immediately.
- 5.** It is against this order dated 24.09.2020, that the applicant felt aggrieved and has filed this O.A.
- 6.** It is pleaded that the transfer order is punitive in nature and that will adversely affect applicant's marital life as his wife who is posted at Kushinagar, U.P., has requested for her transfer to Meerut which is nearby place to Sambhal. Reliance has also been placed on Transfer Policy/guidelines in NIC which indicates that even though tenure at a place is 03 years, one can continue at one place for a period of 15 years during his service.
- 7.** Shri M.K. Sharma, holding brief of Shri Chakrapani Vatsyayan, learned counsel for the respondents, who appeared on advance

notice, pleaded that the applicant has been transferred after completing 06 years at his present place of posting and, as such, his grievance has no basis since he is on a transferable post and can be transferred in exigency of service.

8. The matter has been heard, at length, on admission stage itself.

9. There are catena of Judgments of Hon'ble Supreme Court that the transfer is an incident of service and the Courts should not normally interfere in the same.

10. In view of facts and circumstances of the case, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the respondents that in case the applicant, after joining at the new place of transfer i.e. Mahoba, U.P., prefers a representation requesting for his transfer to a choice place, they shall consider the same and pass appropriate order within a period of six weeks from the date of receipt of such representation. The decision so taken, shall be communicated to the applicant.

11. No order as to costs.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/MM/