

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.
ORIGINAL APPLICATION NO.246/2020

DATE OF DECISION: -02.07.2020

CORAM:- R. VIJAYKUMAR, Member (A)
RAVINDER KAUR, MEMBER (J)

Kishore N. Dani, aged 58 years
Ocu: Serving as Accountant Dattopant Thendi,
National Board Workers Education & Development,
Erstwhile CBWE Zonal Directorate, Western Zone
Mumbai, Residing at 27/B Anand Nagar,
VN Purav marg, Chembur Mumbai - 400 071

....Applicant

(By Advocate Shri R. G. Panchal)

Versus

1. Union of India through Secretary,
Ministry Labour and Employment
Shram Shakti Bhavan,
Rafi Marg New Delhi-11
2. The Chairman, Dattopant Thendi,
National Board Workers Education &
Development, Erstwhile CBWE
Room No.21, Jam Nagar House Mansing Road,
New Delhi-110 011
3. The Director General Dattopant Thendi,
National Board of Workers Education &
Development, Erstwhile CBWE North
Ambazari, Nagpur-440 033
4. The Deputy Director HQ
Dattopant Thendi, National Board of
Workers Education & Development,
Erstwhile CBWE North Ambazari, Nagpur-440033

....Respondents

(By Advocate Shri N. K. Rajpurohit)

ORDER (ORAL)PER: R. VIJAYKUMAR, MEMBER (A)**Present:**

Shri R. G. Panchal, learned counsel for the applicant.

Shri N. K. Rajpurohit, learned counsel for the respondents.

2. The matter has been heard by videoconference by consent of both learned counsel.

3. This OA has been sent by email on Saturday (27.06.2020) at 14:52 PM to the Joint Registrar and urgent hearing was requested by videoconference. The applicant has pleaded that he has been transferred from Mumbai to Nagpur by the respondents in orders dated 05.02.2020 along with two other Accountants. He has thereafter filed representation to the respondents on 14.02.2020 stating that he had some personal family issues namely, the wedding of his only son which had to be conducted in early May, 2020. This request was granted by the respondents but meanwhile the Covid-19 pandemic intervened. The applicant then filed a further representation on 19.06.2020 stating that he was willing to obey the order of transfer but he wanted extension for compliance in light of

Covid-19 pandemic and in view of the fact that he had no travel or stay arrangements and would find it difficult to find a rented place. He has further submitted that he was suffering from Hypertension, Blood Pressure and Diabetes and that after a spinal operation, he has become partially disabled and therefore, he cannot travel independently to Nagpur from Mumbai. Further he has emphasized that since he was running 58 and because of his health issues, he wanted extension in joining duty. While seeking extension of time for compliance in these letters, he has now filed this OA with a different intention and is seeking to quash the transfer orders issued on 05.02.2020.

4. The learned counsel for applicant has been heard at length on the circumstances of the applicant including on whether he was entitled to travel by train or air and the justification for the object and reasons that he had tendered in his representation dated 19.06.2020 and to which, the respondents had given their reply in letter dated 25.06.2020.

5. Learned counsel for Respondents opposes grant of any interim relief as sought as well as

the main relief specified in the OA. He has argued that the PFMS system has been newly implemented in the department and this needs to be enabled centrally at Nagpur for salaries and other pay bills to be disbursed for staff working in all the offices in the entire country and therefore, Applicant, along with two other Accountants located at Chennai and Kolkata, have been transferred to enable this process. The transfer is entirely due to administrative exigencies. However, he was also not able to confirm if the applicant is entitled to travel by rail or by air considering that rail travel arrangements have not yet been restored fully from Mumbai to Nagpur.

6. Arguments of learned counsel for parties have been heard. It is apparent from the OA and the representations enclosed as Annexures A-5 and A-6 dated 14.06.2020 and 19.06.2020 that the applicant affirmed that he will obey the orders but has given various reasons making him unable to join at Nagpur. However, the present OA seeks to quash the transfer order itself which was never sought by the applicant when he originally sought extension on 14.02.2020 in response to

the transfer orders ⁵ dated 05.02.2020. The applicant has also not filed any representation seeking withdrawal of his transfer orders which would have enabled him to affirm that he has exhausted all his remedies and then to seek reliefs in the present OA.

7. In the circumstances this OA is clearly premature and is dismissed accordingly. The applicant is directed to file a representation, if he so considers appropriate, within three working days from the receipt of this order by email and the Respondents are also directed to consider the arguments made out in such a representation, if received within the time specified, and to pass orders after careful analysis of his grounds within two weeks thereafter and further, to serve the orders on the applicant within three days thereafter by email. There shall, however, be no order as to costs

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

