

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1895/2004

New Delhi this the 2nd day of December, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

G.S. Singh,
National Commission for Scheduled Castes,
(Government of India),
Loknayak Bhawan,
New Delhi-110 003.

-Applicant

(By Advocate Shri Sushil Sharma)

-Versus-

1. Union of India through
Secretary, National Commission for
Scheduled Castes (Govt. of India),
Loknayak Bhawan,
New Delhi-110 003.
2. Mr. Murari Lal,
Under Secretary,
National Commission for Scheduled Castes
(Government of India),
Loknayak Bhawan,
New Delhi-110 003.
3. Director,
National Commission for Scheduled Castes,
(Government of India),
State Office, Lucknow-226 024. (UP).

-Respondents

(By Advocate Shri A.K. Singh)

ORDER (ORAL)

Heard.

2. Applicant impugns order dated 12.4.2004, whereby he has been transferred along with post from Lucknow to New Delhi w.e.f. 19.4.2004.
3. A brief factual matrix is that on being declared surplus applicant was re-deployed as LDC in the National Commission for Scheduled Castes and was for the present posted at Headquarters. Subsequently, vide order dated 21.8.2001 he was transferred to New Delhi from Lucknow along with the post.

4. It is contended by learned counsel for applicant that though one Ram Saran who has been transferred along with post to Lucknow the action of the respondents to transfer applicant along with the post from Lucknow to New Delhi is malafide. However, I find from the reply that Ram Saran, whose wife was a cancer patient had requested to transfer him to Lucknow where his wife was residing. Accordingly the request was acceded to.

5. I also find that whereas option has been extended to other LDCs posted at Lucknow to be transferred to New Delhi but none of them has consented to it. Applicant has been isolated only because earlier he had expressed his willingness to be posted at New Delhi as an Investigator. As applicant could not be re-deployed as an Investigator the aforesaid request has no meaning at all.

6. It is trite law that even if there is no laid down policy guidelines for transfer, senior-most has to be displaced first. As this procedure has not been adopted by the respondents transfer of applicant certainly smacks of malafide.

7. However to balance the situation I dispose of this OA with a direction to the respondents to re-examine the issue and in case any senior person to applicant has been retained at Lucknow appropriate orders may be made to get applicant back at his posting at Lucknow. This should be done within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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