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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. 1561/93

Date of decision :02.08.1993

Shri Narendra Pal Singh

...Petitioner

Versus

Union of India through  
Director General of Works,  
C.P.W.D., Nirman Bhavan,

...Respondents

CORAM :-

Hon'ble Mr I.K. Rasgotra, Member (A)

For the Petitioner : Shri R.L. Sethi, Counsel

For the Respondents : None

JUDGEMENT

When the matter came up for hearing the petitioner <sup>2</sup> who appeared in person and requested for a pass over as his counsel was not present. Later when the case was called out second time after completing the first round of Miscellaneous cases, the petitioner submitted that his counsel still has not come. He, therefore, presented his case before the Court himself.

The petitioner has assailed the order dated 16.7.1993 rejecting his representation against transfer to Chandigarh. The petitioner is working as Junior Engineer, in C.P.W.D. since 1.11.1977 and presently posted in P.W.D. Division-17 (DA), Indraprashta Estate, New Delhi-110002. He has been in Delhi since 1977. He was transferred to Chandigarh vide order dated 13.4.1992. The said transfer order was challenged by the petitioner in O.A. No 1984/92 which was dismissed on 31.3.1993 by the Tribunal. The applicant, however,

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was retained in Delhi. With the rejection of the representation made by him, he ~~is~~ <sup>was</sup> now called upon to proceed to Chandigarh. The principal ground for his prayer for being retained in Delhi is that he has two school-going sons who are admitted in <sup>the</sup> public schools where academic session starts in the month of April, 1993 and if he is transferred at this stage, it will dislocate the education of his children. On a query from the Bench the petitioner submitted that his elder son is studying in class V while the younger one is in Class II. He also submits that his transfer is in violation of the <sup>guidelines</sup> ~~judgement~~ issued by the respondents on 10.04.1992.

Accordingly to the guidelines the transfer orders including transfer from Delhi to outside and vice versa should normally be issued around the months of March and April. The petitioner submits that his transfer in the month of July, directing him to proceed to Chandigarh is in violation of the transfer policy and will affect the education of his children adversely.

The petitioner also relied on the judgement delivered by the Tribunal in O.A. 1340/92 on 23.3.1993 in the case of Karambir Singh V/s Union of India & Others. The Karambir Singh (Supra) judgement, however does not support the case of the petitioner and is distinguishable.

In that case the petitioner's transfer was directed to be deferred by the Tribunal as he himself was ~~was~~ stated to be appearing in the L.L.B. final examination. The transfer is a normal incidence of service. Further the petitioner has already been kept in <sup>the</sup> Delhi for quite some time after the transfer order was issued in April, 1992.

In the circumstances the petitioner cannot invoke the guidelines at this stage, as the order of transfer was issued in fact in April 1992 and not in July, 1993. The order is being implemented now, as the the petitioner was pressing various courses to seek the cancellation of the order. The validity of the order which was under challenge in O.A. filed by him earlier has already been upheld by this Tribunal. There are no new grounds which justify the interference by the Tribunal in the implementation of the transfer order. The education of the children who are studying in Class V and Class II is not of an order that can claim preference ~~on~~ over exigencies of service. O.A. is accordingly, dismissed.

No costs.

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(I.K. RASGOTRA)  
MEMBER (A)

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