

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/272/2021

DATE OF ORDER: 17.09.2021

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

Mahesh Kumar Meena S/o Shri Hari Narayan Meena aged about 34 years, R/o 7/56 RHB Colony, Bhiwadi, presently working as Nursing Officer, ESIC Hospital, Bhiwadi, Rajasthan, (Group B) (M-6377709572).

....Applicant

Ms. Kavita Bhati, counsel for applicant (through Video Conferencing).

VERSUS

1. Union of India through Secretary, Ministry of Labour and Employment, Panchdeep Bhawan, CIG Road, New Delhi – 110002.
2. The Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur-302005.

.... Respondents

Shri T.P. Sharma, counsel for respondents (through Video Conferencing).

ORDER (Oral)

Per: Hina P. Shah, Judicial Member

The case of the applicant is that though he has completed two years of service in ESIC Hospital, Bhiwadi, the respondents have not considered him for

transfer to ESIC Hospital, Alwar. The claim of the applicant is that in accordance with the policy of rotational transfers order dated 10.08.2018, (Annexure A/6), issued by respondent No. 2, it is very clear that the employee, who has completed three years of service shall be eligible for applying for Inter regional transfer and, therefore, his case should have been considered by the respondents. It also mentions that the tenure of the officials for outside Jaipur postings would be of two years which can be considered to be the minimum tenure for the employees. In the same policy, the maximum tenure at a stretch has been provided as three years and it is clearly mentioned that no official should be allowed to stay in the same station beyond a maximum period of three years at a stretch.

2. The respondents have filed a short reply to the Original Application stating that the applicant after completion of minimum tenure had applied for request transfer and that said request was allowed from Indore to Rajasthan region vide order dated 08.03.2013. Thereafter, he was allowed to work at ESIC Hospital, Bhiwadi. It is the claim of the applicant

that respondents have not considered his application for transfer to ESIC Hospital, Alwar after completion of two years at ESIC Hospital, Bhiwadi in accordance with the policy of rotational transfers order dated 10.08.2018 issued by respondent No. 2. The respondents state that transfer is an incidence of service and where the transfer is made in administrative exigency or on the request of the employee then Tribunals or Courts have no jurisdiction to interfere.

3. Heard learned counsels for the parties through Video Conferencing.

4. At the time of hearing the matter, the claim of the applicant is that the representations dated 29.01.2021, (Annexure A/7) and 25.05.2021, (Annexure A/1), are pending with the respondents and the applicant would be satisfied if the said representations are disposed of in accordance with the policy and guidelines of rotational transfers order dated 10.08.2018, (Annexure A/6), issued by respondent No. 2 as well as OM dated 02.07.2015, (Annexure A/11), issued by DOPT within a time frame.

5. After hearing the parties, in the interest of justice, the respondent No. 2 is directed to dispose of the pending representations dated 29.01.2021, (Annexure A/7) and 25.05.2021, (Annexure A/1), in terms of the policy and guidelines of rotational transfers order dated 10.08.2018, (Annexure A/6) issued by respondent No. 2 as well as OM dated 02.07.2015, (Annexure A/11), issued by DOPT, within a period of eight weeks from the date of receipt of a certified copy of this order.

6. Accordingly, present Original Application is disposed of without entering into the merits of the case. No order as to costs.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

/nlk/