



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 1391/2021

This the 27th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Prashant Kumar Sinha, Aged 56 years,
S/o Late Dr. Ramesh Chandra Sinha,
R/o 502, Prithvi Apartment,
Plot No.-17, Sect-52,
Gurugram-122011.
Category-Group A, Sub-Transfer.

...Applicant

(By Advocate: Shri Praveen Chandra)

Versus

1. Union of India, Through the Secretary, Deptt. of Revenue, Ministry of Finance, North Block, Central Secretariat, New Delhi-110001.
2. Department of Personnel and Training, (DOPT) Through Secretary, Ministry of Personnel, Public Grievances and Pensions, Central Secretariat, North Block, New Delhi-110001. ... Respondents

(By Advocate : Mr. Hanu Bhaskar)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Commissioner in the Central Board of Indirect Taxes and Customs, Department of Revenue, Ministry of Finance. Through an order dated 15.07.2021, the Government transferred 213 officers of the

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department to various places. The applicant, who was working in the Officer of Director General (Systems), Delhi, was transferred to Director General (Audit), Kolkata Zone.

This OA is filed challenging the order of transfer insofar as it relates to the applicant.

2. It is stated that the applicant was subjected to repeated transfers and he held various positions to the satisfaction of the authorities. In the narration, the applicant stated that an FIR was lodged against him on 17.04.2018 as regards his functioning as an Officer at Dhanbad and that a charge memo was also issued on 23.05.2019. It is stated that the son of the applicant is suffering from Autism Spectrum disorder and in terms of the guidelines issued in OM dated 17.11.2014, the employees whose children suffer from such diseases shall not be subjected to frequent transfers.

3. Today, we heard Shri Praveen Chandra, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

4. The applicant has no doubt, served at various places ever since he was appointed in the department in the year 1992. That, however, is part of the service. As of now, the applicant is facing disciplinary proceedings as well as the criminal cases. His stay at Delhi was also not less than any

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ordinary spell. It is not, as if, the applicant was singled out in the context of transfers. More than, 200 officers were transferred and interference with one such order, would have its own cascading effect on the chain of transfers.

5. The guidelines contained in OM dated 17.11.2014 are by their very nature, directory, as is the case with any other guidelines relating to transfer. They need to be followed and kept in mind as far as possible. Time and again, the Hon'ble Supreme Court held that deviation from such guidelines by itself, cannot lead to annulment of orders of transfer. By any standard, the impugned transfer of the applicant cannot be said to be illegal or arbitrary.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

**(A.K. Bishnoi)
Member (A)**

**(Justice L. Narasimha Reddy)
Chairman**

/pj/ns/