

CENTRAL ADMINISTRATIVE TRIBUNAL  
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O.A.351/524/2020

Date of Order: 25.11.20

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Mr. Tarun Shridhar, Administrative Member



K. Kumaravel, Son of Shri M. Krishnan, residing at D-6/3, CPWD Quarters, Lamba line, Port Blair, Andaman & Nicobar Islands, Pin-744130 and held the post of Assistant Director (Handicrafts) till 03.07.2020 in the Office of Assistant Director (Handicrafts), C. Block, 1<sup>st</sup> Floor, Kendriya Sadan, Lamba Line, Port Blair, Pin 744103.

.....Applicant

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1. Union of India, service through the Secretary, Government of India, Ministry of Textiles, Udyog Bhawan, New Delhi - 110011.
2. The Director (Handicrafts), Government of India, Ministry of Textiles, West Block No. 7, R. K. Puram, New Delhi - 110066.
3. The Development Commissioner (Handicraft), Government of India, Ministry of Textiles, West Block No. 7, R. K. Puram, New Delhi - 110066.
4. The Assistant Director (Handicrafts), C. Block, 1<sup>st</sup> Floor, Kendriya Sadan, Lamba Line, Port Blair, Andaman & Nicobar Islands, Pin - 744103.
5. The Regional Director (Handicrafts), SRO Chennai, Haddows Road, Chennai - 600006.
6. The Deputy Director (Handicrafts) In charge (SR), III Floor, Shastri Bhawan, 26 Haddows Road, Chennai - 600006.

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7. Smti Nirmala Devi, Assistant Director (Handicrafts), C. Block, 1<sup>st</sup> Floor, Kendriya Sadan, Lamba Line, Port Blair, Andaman & Nicobar Islands, Pin- 744103.

.....Respondents



For the Applicant(s): Mr. B.Bhushan, Counsel

For the Respondent(s): Mr. S.Paul, Counsel

### **ORDER**

#### **Tarun Shridhar, Administrative Member:**

In this second round of litigation, the applicant seeks quashing of the order dated 15.06.2020 (Annexure-A/10) whereby he has been transferred from Handicraft Marketing & Service Centre (HSC), Port Blair to HSC, Hyderabad and the subsequent order dated 16.07.2020 (Annexure-A/15) whereby his representation requesting for cancellation of his transfer has been rejected.

2. Brief facts of the case are that the applicant has been working in HSC, Port Blair as Assistant Director. Prior to that, he has been working in various capacities in Port Blair since his initial appointment in the year 2011. The applicant was transferred to Hyderabad when the Private Respondent also got promoted to the post of Assistant Director and it was pointed out by the Audit that since there was only one post available in HSC, Port Blair, having two incumbent was financially and administratively irregular.

3. The applicant contends that he is senior of the two and the stay of Private Respondent in Port Blair is much longer than him. Hence, he has a better claim to stay in Port Blair than the Private Respondent. Further, he also draws our

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attention to the DoP&T Circular which advises that as far as possible husband and wife should be posted in the same station and since the applicant's wife is working in a college in Port Blair and his son is also studying here, he represented against his transfer to Hyderabad.



4. The Respondents' department was given a direction by us in earlier O.A. No.351/429/2020 vide order dated 24.06.2020 that in the event the applicant prefers a representation, the competent authority shall take a decision thereon within a period of six weeks in accordance with rules and communicate the same to the applicant in the form of a reasoned and speaking order. It was further directed that if the applicant has not been relieved, he should be allowed to continue in his present place of posting till the disposal of the representation. Pursuant to this direction, the competent authority passed a detailed order on 16.07.2020.

5. We find that the order dated 16.07.2020 is both a reasoned and a speaking order. The applicant cannot claim his posting in Port Blair as a matter of right. This Tribunal has already shown him indulgence considering his family situation and issued appropriate direction to the competent authorities. However, it is pertinent to note that only one Assistant Director can be posted in Port Blair and the concerned authority in its wisdom and discretion has taken a decision to retain the Private Respondent there. The applicant's assertion that the stay of Private Respondent, viz. Ms. Nirmala Devi, at Port Blair is much longer than him does not carry any relevance as it is the sole discretion of the competent authority to decide as to who is to be posted where.

*(Signature)*

6. We do not find any infirmity in the order transferring the applicant to HSC, Hyderabad and the subsequent order by which his representation against his transfer has been rejected by the competent authority by way of a well reasoned and speaking order.



7. The O.A. is accordingly dismissed. There shall be no order as to costs.

(Tarun Shridhar)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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