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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 762 of 2000

Allahabad this the 08th day of November, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

R.N. Das (RABINDRA NATH DAS), Son of Sri Gurudas Das, Working as a Deputy Regional Director, National Savings G/9, Gorakhpur.

Applicant

By Advocate Shri N.P. Singh

VErsus

1. Union of India through National Savings Commissioner, CGO Complex, A-Block, 4th Floor, Seminary Hills, Nagpur.
2. Regional Director, National Savings, G/9, Halvasia, Hajratganj, Lucknow.
3. Regional Director, U.P. East, 116 C, Ashok Nagar, Allahabad.

Respondents

By Advocate Shri D.S. Shukla

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant-Shri R.N. Das, Deputy Regional Director, National Savings, has come up impugning the transfer order through which he has been transferred from Gorakhpur to Moradabad. The main grievance of the applicant is that Shri R.P. Bhatt, an employee in the same establishment, while

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he was posted with the applicant at Gorakhpur, had threatened the applicant and the matter had to be intervened by the then Commissioner, Gorakhpur and now this R.P. Bhatt is posted at Moradabad where the applicant has been ordered to join on transfer and the applicant is apprehensive that Mr. Bhatt will again do some mischief. Shri R.P. Bhatt is working as clerk there. The second ground is that wife of the applicant is also posted at Gorakhpur in the same department and, therefore, under policy of spouse transfer, the applicant should not have been disturbed.

2. The respondents have contested the case.

3. Heard, Shri N.P. Singh, learned counsel for the applicant and Shri D.S. Shukla, learned counsel for the respondents and perused the record.

4. First, I take up the point of policy of spouse transfer. At present the applicant and his wife both are posted at Gorakhpur in the same department and as per respondents case wife of the applicant is posted as District Savings Officer who is responsible in her duties with the applicant and the tenure of the post, she is holding, is six years, whereas the tenure of the post the applicant is holding, is four years, which the applicant has already completed. Under the circumstances, the policy regarding transfer of husband and wife at same station, is not applicable. Moreover, the

guide lines in this regard is not absolute, which is subject to circumstances in respect of individual cases.

5. Learned counsel for the applicant relied on S. Ranganayakulu Vs. Sub Divisional Inspector (Pestal) and Others (1995) 30 A.T.C. 473 (F.B) and (1989) 9 A.T.C. 122 H.S. Ajmani Vs. State of M.P. and Others. In reply, Shri D.S. Shukla, learned counsel for the respondents relied on U.O.I. Vs. S.L. Abbas V.T. 1993 (3) S.C. page 678 and 1999 (82) F.L.R. page 573.

6. In view of referred law handed down by Hon'ble Apex Court, it is quite evident that the transfer is incident of service and the guide lines with regard to transfer do not confer upon the Government employee a legally enforceable right.

7. For the above, I find it in the fitness of the circumstances, that the respondents be directed to re-consider the ^{matter in the light of} ~~fact regarding~~ some bad blood ^{that will be} between the applicant and Shri R.P. Bhatt. Therefore, not only in the interest of the applicant, but in the interest of Government work to provide more peaceful and congenial atmosphere for the working ^{may} of the employees, the applicant be considered to be ^{to any other State} transferred from Moradabad or Shri R.P. Bhatt be

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shifted therefrom, within 4 weeks keeping in view the availability of the vacancies and suitability of the post. The O.A. is disposed of accordingly. No order as to costs.

S. C. M. M.

Member (J)

/M. M. /