

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 145 of 2013

WEDNESDAY, this the 29th day of January, 2014

CORAM:

Hon'ble Mr. K. George Joseph, Administrative Member

P.P. Purushothaman, aged 53 years,
 S/o. P.P. Pythal (late), Executive Engineer,
 Central Public Works Department (CPWD),
 Kannur Central Division, 1st Floor, KMC Building,
 Near Gandhi Maidan, Payyanur – 670 307, Kannur District,
 Permanent Address : No. A5/458, Kendriya Vihar,
 Velappan Chavadi, PH Road, Chennai – 600 077.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the Secretary, to the Government of India, Ministry of Urban Development, Nirman Bhavan, New Delhi – 110 011.
2. The Director General, Central Public works Department, Nirman Bhawan, New Delhi – 110 011.
3. The Chief Engineer, South Zone – V, Central Public Works Department, CGO Complex, Poonkulam, Vellayani PO, Thiruvananthapuram – 695 522.
4. Shri A.K. Verma, Chief Engineer, South Zone – III, Central Public Works Department, First Floor, 'A' Wing, Kendriya Sadan, 17th Main, Koramangala, Bangalore-560 034.
5. Shri K.U. Panicker, Superintending Engineer, Central Public Works Department, Calicut Central Circle, MS Baburaj Road, Kallai PO, Calicut – 673 003.
6. Shri K.V. Dhanamjayan, Executive Engineer, Central Public Works Department, Calicut Central Division, MS Baburaj Road, Kallai PO, Calicut – 673 003.
7. Shri G. Dhanabal, Executive Engineer, Central Public Works Department, Office of the



Chief Engineer, South Zone – III, 6th Floor,
 'A' Wing, Kendriya Sadan, 17th Main, Koramangala,
 Bangalore – 560 034.

8. Shri C. Sureshan, Executive Engineer (Additional Charge),
 Central Public Works Department, Kannur Central Division,
 1st Floor, KMC Building, Near Gandhi Maidan, Payyanur – 670 307,
 Kannur District.

9. Shri V. Jayarajan, Executive Engineer,
 Central Public Works Department,
 Kannur Central Division, 1st Floor, KMC Building,
 Near Gandhi Maidan, Payyanur – 670 307,
 Kannur District. **Respondents**

[By Advocate – **Mr. Sunil Jacob Jose, SCGSC (R1-3)**]

This application having been heard on 13.01.2014, the Tribunal on
29 - 01 - 2014 day delivered the following:

O R D E R

By Hon'ble Mr. K. George Joseph, Administrative Member-

The applicant had joined Kannur Central Division of C.P.W.D. on 10.7.2012 as Executive Engineer, after a long tenure in the Valuation Cell, I.T. Department, Chennai. Within three months of joining at Kannur he was transferred to the Valuation Cell, Kochi vide order dated 30.1.2012 at Annexure A1. Aggrieved, he has filed this OA mainly for a direction to the respondents to allow him to continue at Kannur Central Division, C.P.W.D. This OA was filed on 19.2.2013. As per the direction of this Tribunal dated 1.3.2013, it is stated orally that he has joined Kozhikode on 4.3.2013.

2. The applicant mainly contended as follows:-

3. He alone was hastily relieved of his charge whereas two others who were transferred along with him were not relieved and later their transfers



were cancelled on request. His representation for a posting in the C.P.W.D in a nearby place was not considered. His representations dated 31.10.2012 and 7.12.2012 for modification of Annexure A1 order were not forwarded to the Director General. The 5th respondent was acting with malafide intention of helping an errant contractor. No public interest was involved in his transfer.

4. Per contra the respondents submitted that the applicant's transfer was made in response to his request for a less strenuous posting, on 9.10.2012. The continuance of the applicant was causing serious administrative inconvenience in office and work sites. The transfer of the applicant has no connection with the action against a contractor. In his request the applicant had not mentioned that he does not want a posting in the Valuation Cell.

5. We have heard the learned counsel for the parties and perused the records. Transfer is purely an administrative matter. Unless there is malafide or violation of a right, the Courts are not expected to interfere with transfer. An employee does not have a right to be posted to a particular post. The contention of the applicant that his transfer is hit by malafides in as much as it was to help a contractor is not conclusively proved. Hence, interference by this Tribunal with the impugned transfer order is not called for.

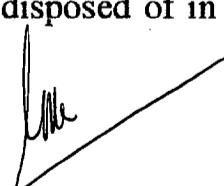
6. However, we would observe that the applicant had spent a long time in the Valuation Cell which is not a main line posting for a C.P.W.D. Engineer. The applicant appears to have sincerely worked without perhaps clearly sensing the heavy odds stacked up against him. Heavens would not have fallen, had his representations been forwarded to the competent authority.



His representations could have been considered and he could have been given a posting in the main line. There is no justification to banish him to the Valuation Cell forever just because his presence was found to be inconvenient administratively. Less than three months is too short a period to assess the performance of an officer. The respondents could have counselled him if he needed improvement in his conduct and attitude. His request for transfer to C.P.W.D. has been conveniently used by the respondents to take him out of the main line to his perceived disadvantage. In fairness, the respondents should give him another chance to perform well in a main line position.

7. In the facts and circumstances of the case, it would only be fair if the respondents consider his request for a main line posting. For this purpose the applicant may make a fresh representation, within a month of receipt of a copy of this order, to the competent authority who may consider it and dispose of the same having regard to all the relevant aspects including his career development. His representation may be disposed of within a period of three months of its receipt.

8. The Original Application is disposed of in the above terms. No order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

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