

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL****PATNA BENCH, PATNA.****R.A. No. 06 of 08** & RA no. 07 of 08**(Arising out of OA 155 of 2007 and O.A. 228 of 2006)****Date of order : 28<sup>th</sup> February, 2008****C O R A M****Hon'ble Mr. Amit Kushari, Member ( A )**

Union of India &amp; Ors.

Vs.

Sanjay Kumar Rai

Shri D. Surendera, Id. counsel for the applicants

**O R D E R** [By circulation ]**By Amit Kushari, M [A ]:-**

In the review application the petitioners [The Director, Central Hindi Training Institute and Deputy Director, East Region, Hindi Teaching Scheme etc.] have challenged the order passed on 20<sup>th</sup> November, 2007 in O.A. No. 228 of 2006 and 155 of 2007. The petitioners have explained in detail the need for shifting the Central Region office from Jabalpur to Guwahati. Jabalpur being located in a Hindi speaking area there is not much work of training the Central



Govt. employees in Hindi language whereas in the North Eastern Region, the knowledge of Hindi is poor and there is a vast scope for imparting training in Hindi. The petitioners have thus explained why the headquarters of Central Region had to be shifted from Jabalpur to Guwahati. They have also pleaded that a number of employees posted in Jabalpur office of the Hindi Department had filed a similar O.A. in Jabalpur CAT protesting against their transfer to Guwahati in view of the shifting of their headquarters from Jabalpur to Guwahati. However, on 10<sup>th</sup> of April, 2007, Jabalpur Bench of the Central Administrative Tribunal had rejected their O.A. and the applicants were asked to move to Guwahati. The petitioners pleaded that on the same analogy, the respondents had forced Shri Sanjay Kumar Rai to move to Guwahati from Patna and he should not be allowed to move to Kolkata retaining his seniority in Hindi LDC cadre.

2. I have considered this issue once again in view of the pleadings made in this RA. I find no similarity at all between this case and the case decided by the Jabalpur Bench of the Central Administrative Tribunal. In this case, Shri Sanjay Kumar Rai who was under orders of transfer to Guwahati was given another option

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to choose between six regions, if he did not want to go to Guwahati. This option was perhaps given to Shri Sanjay Kumar Rai since he was posted in Patna and because the State of Bihar became a part of eastern region with headquarters in Kolkata. Shri Sanjay Kumar Rai had exercised his option for Kolkata and so he has a right to move to Kolkata with seniority. Had they not given him such an option and issued a clear cut order transferring him to Guwahati he would have had no legal right to refuse to go to Guwahati. The complications have been created in this case by the Director, Hindi Training Department himself. Such complications were not there in the case of those Jabalpur employees moving to Guwahati who moved the Jabalpur Bench of the Central Administrative Tribunal. Once Shri Sanjay Kumar Rai has been given six options and he has exercised one option, he cannot be forced to take a bottom seat in the seniority list in Kolkata. Had he himself requested for a transfer to Kolkata then the question of putting him at the bottom seat would arise. Shri Sanjay Kumar Rai had never made any such request for going to Kolkata. He was moving to Kolkata only under great compulsion and so the question of his becoming junior to all the other LDCs of Kolkata does not arise.



4.

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3. Under these circumstances, I do not find any merit in these  
two review applications. It is accordingly dismissed. No costs.

  
[ Amit Kushari] M [A]

mps.