

CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH,  
JAIPUR.

O.A.NO.282 OF 2006

December 13, 2006

Sukhlal S/o Shri Madu Ram, aged about 45 years, by Caste Harizan resident of Sitabari, Kamani Road, Harizan Basti, Jhotwara, Jaipur (Raj.). ....

Applicant

By : Mr.R.S.Bhaduria, Advocate.

Versus

1. Union of India, through Secretary to the Govt. of India, Ministry of Defence, New Delhi-110011.
2. The Director general NCC, (Pers-C), Govt. of India, Ministry of Defence, West Block-4, Ramkrishan Puram, New Delhi-110066.
3. The NCC Directorate, D-56, Sawai Madho Singh Road, Bani Park, Jaipur-302016.

Respondents

By ADVOCATE : MR. GAURAV JAIN

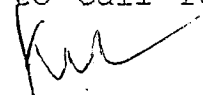
O R D E R (ORAL)

KULDIP SINGH, VC

The applicant has impugned the order dated 15.2.2006 (Annexure A-1) vide which he has been transferred to NCC Directorate, A.P. Secunderabad.

The applicant has challenged the same on the ground that he belongs to reserved class category and working on a low post of Safaiwala and it is very hard for him to join at a distance place at Secunderabad, about 1500 Kms. Away from present place of posting. He has to look after his family also.

It is also submitted that as per the instructions issued by the Government of India, Ministry of Defence it is provided that before ordering transfer of an employee at a distance place, department is required to call for



volunteers and in case volunteers are not available and exigency of service so required, than transfer should be ordered in a very special special circumstances and particularly the fact that when employee belongs to underprivileged class, effort should be made for adjusting him near his native place.

It is prayed that a direction be issued to the respondents to quash the transfer of the applicant to Secunderabad and respondents may explore the possibility of adjusting the applicant in any other organization of the Central Government located in or around State of Rajasthan.

The applicant also seems to have made an effort by making a representation for his posting vide letter dated 21.11.2006. In reply to the representation of the applicant, a reply has been given by the respondents wherein they have observed that the applicant should first join at Secunderabad and then his request for adjustment in any other defence establishment at Jaipur, or nearby place will be considered in accordance with the laid down channels which can be followed through Army Headquarters.

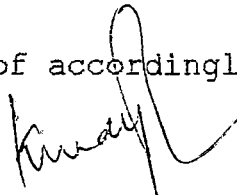
The case of the respondents is that in the NCC Directorate there are ~~there are~~<sup>in</sup> ~~very~~ minimum number of vacancies and a survey was conducted to optimize the recruitment in the NCC Directorate and it was found that post of Safaiwala in Rajasthan has become surplus and there was requirement of Safaiwala at Secunderabad. So,

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applicant was transferred to Secunderabad. So, the impugned order of transfer has been issued in the exigencies of service as there is surplus at Jaipur and they have tried to adjust the applicant at Secunderabad.

In view of this, we find that no interference is called for in the impugned order of the respondents for transferring the applicant to Secunderabad. However, the fact remains that applicant belongs to low strata of the society and is working as a low paid job of Safaiwala and as per the instructions issued by the Government of India as well as Ministry of Defence, endeavour should be made to adjust an employee of SC/ST near his native place and since the department has also, while replying to the representation of applicant, has stated that the applicant should move out first and after joining at Secunderabad, may submit representation for his adjustment in any defence establishment at Jaipur which will be considered. We have a pious hope that the request of the applicant will be considered sympathetically as <sup>and</sup> when he moves out for transfer to Secunderabad and then submits application for his adjustment at his native place after resuming duty.

O.A. stands disposed of accordingly.

  
(KULDIP SINGH)  
VICE CHAIRMAN

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