

**Central Administrative Tribunal
Principal Bench**

OA No.1336/2017

New Delhi, this the 24th day of April, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Dr. Satyendra Singh, (Age 55 years)
Assistant Director, S/o Shri Sangram Singh
R/o N-573, Sector-8
R.K. Puran, New Delhi-110022. ...Applicant

(By Advocate: Shri Ranjit Sharma)

Vs.

Union of India through

1. The Secretary, Deptt. of Official Language(MHA)
NDCC Building, Jai Singh Road
New Delhi.
2. The Joint Secretary
Dept. of Official Language (MHA)
NDCC Building, Jai Singh Road
New Delhi.
3. The Director, Central Translation Bureau
Paryavaran Bhawan, 8th Floor
CGO Complex, Lodhi Road
New Delhi – 110003.
4. The Joint Director
Central Translation Bureau

Paryavaran Bhawan, 8th Floor
CGO Complex, Lodhi Road
New Delhi-110003.

...Respondents

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

Notice to respondents. Ms. Harvinder Oberoi, learned counsel, appears and accepts notice on behalf of respondents.

2. This Application has been filed challenging the order dated 29.07.2016 passed by the Central Translation Bureau, whereby the applicant was ordered to be transferred from Department of Official Languages, New Delhi to Translation Training Centre, Kolkata Central Translation Bureau.

3. The applicant was initially recruited as Senior Translator in the year 1992 in the Department of Central Translation Bureau (CTB), Hq. at New Delhi consequent upon his selection through advertisement dated 08-14.02.1992. Presently the applicant is working as Assistant Director (CTB) Hq. at New Delhi. On being transferred vide the aforesaid order dated 29.07.2016, the applicant made representation for his

retention at New Delhi. One of the pleas raised by the applicant was his illness and second due to his son's board examination. Considering the representation of the applicant, the respondents passed order dated 31.10.2016 which reads as under:-

"Dr. Satyendra Singh, Assistant Director, New Delhi was relieved from his duties on 29/07/2016 as he was transferred to Translation Training Centre, Kolkata by Central Translation Bureau even numbered office order dt. 29 July 2016. But due to his illness he was unable to join Kolkata Centre till date and due to his son's board examination he sought extension to join at Kolkata Centre. After considering his request Competent Authority has taken decision to relieve Dr. Satyender Singh may be relieved on 30/04/2016 (AN) from Central Translation Bureau, New Delhi."

4. From the perusal of the aforesaid order, we find that the applicant's plea of his son's board examination was considered by the respondents and he was ordered to be retained at Delhi with the stipulation that he will be relieved on 30.04.2017(AN). The applicant has now come to this Tribunal seeking to challenge his transfer. One of the grounds urged is that at the time of recruitment through the advertisement(Annexure-3),

there was a stipulation that his appointment would be in Delhi. We have perused the advertisement. There is no stipulation or condition in the advertisement that on being appointed as Senior Translator the person would always be kept in Delhi. Though, at the relevant time, there may be posts at Delhi Headquarters that does not mean that the person appointed to any of the post would not be transferred even to a cadre post outside Delhi. Apart from that, the advertisement was for recruitment to the post of Senior Translator. The applicant has now earned higher rank and is working as Assistant Director which is an administrative post as well. From the order dated 29.07.2016, we find that specific reasons have been mentioned for transfer. It is stated that to resolve the shortage of officers on functional need basis in the Translation Training Centre, Kolkata of Central Translation Bureau, the transfer committee has recommended the transfer of Assistant Director to Kolkata Center from Bureau Hq. under the transfer policy notified by the Department of Official Languages dated 21.06.2016. It is clearly demonstrated that the transfer is on the ground of

functional requirement at the Translation Training Centre, Kolkata Central Translation Bureau. It is settled principle of law that while exercising power of judicial review in the matter of transfer the interference by the court/tribunal is warranted only where (i) the transfer is by an incompetent authority (ii) actuated by *mala fides* or; (iii) contrary to any rule/regulation. From the impugned transfer order and the averments made in the OA, we do not find any of the above grounds exist to interfere in the transfer of the applicant. Learned counsel for the applicant has vehemently argued that the children of the applicant are studying in Delhi and in the event he is required to leave Delhi and join at Kolkata, he will not be able to retain the Govt. accommodation at Delhi. This is a strange kind of argument. Whenever a Govt. servant is transferred, he is required to surrender the Govt. accommodation. In any case, the Govt. accommodation is provided to the Govt. servant and his family at the place of his posting and not at any other place. This submission is without any substance. Above all, the applicant made representation against his transfer ordered vide

the impugned order dated 29.07.2016 and two grounds were urged; his own illness and second the study of his son who was to undertake the board examination. The board examination have been held. It was under these circumstances that the applicant was ordered to be relieved on 30.04.2017. In so far, the question of illness is concerned, Kolkata is a big Metropolitan City and adequate medical facilities are available there. Moreover, transfer is an exigency of service and it is the bounden duty of the Govt. servant to serve on any of the cadre post as may be desired by the employer in the interest of the administration.

5. Under these circumstances, we do not find any ground to grant any relief to the applicant. This Application is accordingly dismissed.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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