

**Central Administrative Tribunal  
Principal Bench**

**OA No.1095/2017**

New Delhi, this the 3<sup>rd</sup> day of April, 2017

**Hon'ble Mr. P.K. Basu, Member (A)  
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Shri H. Chongloi,  
S/o Late Shri S. Chongloi,  
Aged 49 years,  
R/o DDA Site 1,  
125, Ground Floor, New Rajinder Nagar,  
New Delhi-110060.

...Applicant

(By Advocate : Shri V.S.R. Krishna )

**Versus**

Council of Scientific and Industrial Research  
Through ;

1. The Director General,  
Council of Scientific and Industrial Research,  
Anusandhan Bhawan, 2, Rafi Marg,  
New Delhi-110001.
2. The Under Secretary,  
Council of Scientific and Industrial Research,  
Anusandhan Bhawan, 2, Rafi Marg,  
New Delhi-110001.

...Respondents

**ORDER (ORAL)**

**Mr. P.K. Basu, Member (A) :-**

Heard the learned counsel for applicant.

2. The applicant joined the service of the respondents on 24.03.1995 and out of that, almost 17 years he has been in Delhi with one outing to Pilani for seven months and one outing to Lucknow for about two years. It is contended by the learned counsel for the applicant that according to the Government policy, husband and wife should be posted at one place and since the applicant's wife is working in Delhi in the Secretariat, he should be kept at Delhi. Moreover, it is stated that he has been transferred after just one year of posting at Delhi due to some internecine quarrel within the department. It is further contended that the respondents have discriminated inasmuch as they have transferred the applicant whereas there are number of officers who have far exceeded their tenure at Delhi but have not been disturbed.

3. Every Central Government servant is aware that he can be transferred anywhere in India. The applicant has had a good share of postings at Delhi. In fact, 17 years out of 22 years he has served in Delhi. He has been in Delhi-NCR region from 2014 till date i.e. almost three years. Though husband and wife have to be posted at same place, but this is not always possible. The applicant is alleging malafide, but neither any specific allegation has been made in the OA, nor have those people been made party, against whom he has alleged discrimination. Hon'ble Supreme Court in **S.C. Saxena**

**Vs. Union of India & Ors.** 2006 SCC (L&S) 1890 has held as follows :-

“6. We have perused the record with the help of the learned counsel and heard the learned counsel very patiently. We find that no case for our interference whatsoever has been made out. In the first place, a government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances. It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed.”

4. In view of the facts in this case and the **S.C. Saxena** (supra) judgment, we do not see any merit in the OA. Accordingly, the same is dismissed in *limine*. No costs.

( Dr. Brahm Avtar Agrawal )  
Member (J)

( P.K Basu )  
Member (A)

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