

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 2442/2016

New Delhi, this the 25th day of July, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

Virender Singh Dabas,
D.O.B. : 01.01.1958
Sub : Transfer, Group-C,
S/o Shri Ran Singh,
R/o H.No.224, Vill. & PO, Rani Khera,
Delhi-81.

.. Applicant

(By Advocate : Shri M.K. Gaur for Shri U. Srivastava)

Versus

1. Union of India through
The Secretary,
Ministry of Environment, Forest & Climate Change,
C.G.O. Complex, Lodhi Road, New Delhi.
2. The Director,
National Museum of Natural History,
CGO Complex, Lodhi Road, New Delhi.
3. The Administrative Officer,
NMNH, Govt. of India,
M/o Environment, Forest & Climate Change,
Tansen Marg, New Delhi.

.. Respondents

ORDER (ORAL)

The applicant is aggrieved by his transfer from National Museum of Natural History, New Delhi to Rajiv Gandhi Regional Museum of History, Sawai Madhopur.

2. The circumstances under which the transfer was made is explained in order dated 13.06.2016 and para 2 of the order is reproduced below:

“The representation of Shri Dabas has been considered carefully. It is informed that his transfer order as also of 17 other technical/scientific personnel of the National Museum of Natural History (NMNH) to the Regional Museums of Natural History (RMNH) has been issued in the aftermath of the massive fire incident in the FICCI Auditorium building housing the Headquarters of the NMNH in the night of 25-26 April, 2016. The devastating fire destroyed all records, equipments, stores, exhibits, specimens on 2nd, 3rd, 4th 5th and 6th floors of the building. Only the exhibits and specimens on the 1st floor survived the fire. However, these items too were considerably damaged due to intensive heat and dripping water used in the fire extinguishing process from upper floors and debris from the false ceiling. These exhibits/specimens have been transferred to the RGRMNH, Sawai Madhopur for curation and for public display in due course of time.”

Due to extreme nature of administrative exigencies, 18 technical/scientific staff had to be transferred including the applicant.

3. In view of the above circumstances, I feel it is not a fit case for the Tribunal to interfere, and the O.A. is dismissed in limine. No costs.

(P.K. Basu)
Member(A)

Later Shri U. Srivastava appeared and vehemently argued that the order dated 13.06.2016 does not address the primary issue raised by the applicant that he is having just two years service left prior to his retirement and, therefore, should have been exempted

from a transfer at this old age of his carrier. He also placed reliance on the judgment of the Hon'ble High Court of Rajasthan in the case of **Dr. (Mrs.) Pushpa Mehta Vs. Rajasthan Civil Services Appellate Tribunal and Others**, 2001 (2) ATJ 311 (Annexure A/7).

2. Be that as it may, I had carefully gone through the O.A. even before the learned counsel raised this issue and it is only on the ground of special circumstances to this transfer that I had passed the above order. The prayer of the applicant is, therefore, rejected and the O.A. is dismissed. No costs

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(P.K. Basu)
Member(A)

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