

**Central Administrative Tribunal  
Principal Bench, New Delhi**

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**OA No. 2828/2016**

This the 22<sup>nd</sup> day of August, 2016

**Hon'ble Mr. P.K. Basu, Member (A)**

Sh. Abid Hussain,  
Age 56 Years  
S/o late Sh. Irshad Ali  
R/o H.No. 121, Sector-1  
Type-III, Sadiq Nagar,  
New Delhi-110049  
(working as Assistant Director (Horticulture),  
Horticulture Sub-Division-Health-I,  
PWD, Ishwar Nagar,  
Kalka More,  
New Delhi-110065

..... Applicant

(By Advocate: Mr. R.N. Singh)

**VERSUS**

1. Union of India  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi-110011  
(Through: its Secretary).
2. The Director General,  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi-110011
3. The Dy. Director General of Horticulture,  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi-110011

..... Respondents.

**ORDER (ORAL)**

Heard learned counsel for the applicant. The applicant is aggrieved by the impugned order dated 22.07.2016 whereunder he has been transferred from Delhi to hard station, Silchar, Assam.

2. Learned counsel for the applicant has pointed out that as per transfer policy of Assistant Director of Horticulture in C.P.W.D., the officers who have completed 55 years of age shall not normally be posted to hard areas and the applicant is about 56 years old. He further states that the applicant is suffering from Spondylitis (Vertebrae and Cervical), diabetic and hypertension and produced a medical certificate in this regard. The doctors advised him not to undertake strain.

3. In these circumstances, and in view of the above, I find that the reasons for his prayer for not being able to join at Silchar, Assam are genuine and, therefore, the transfer order dated 22.07.2016 is set aside, to the extent of Sl. No. 13 i.e. the applicant. However the respondents are at liberty to transfer the applicant anywhere else, which is not a hard station.

4. OA is therefore, disposed of with the aforesaid directions. No order as to costs.

**(P.K. Basu)**  
**Member (A)**

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