

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

OA-3742/2016

New Delhi, this the 09th day of November, 2016.

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

Anshuman Bhattacharya,
S/o Sh. T. Bhattacharya,
R/o I-3/126, FF, Sector-16,
Rohini, New Delhi
Aged about 40 years,
(Scientist-D in NTRO)

...

Applicant

(By Advocate : Sh. Ajesh Luthra)

Versus

1. National Technical Research Organization,
Through its Chairman,
Government of India,
Block-3, Old JNU Campus,
New Delhi-110067.
2. Joint Secretar (Pers), NTRO,
Government of India,
Block-3, Old JNU Campus,
New Delhi-110067.
3. Deputy Director (Estt.) NTRO,
Government of India,
Block-3, Old JNU Campus,
New Delhi-110067.

... Respondents

(By Advocate : Sh. Hanu Bhaskar)

ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli

The applicant has challenged the order dated 26.09.2016 whereby he has been transferred from CNS, Delhi to CIRA, Lucknow. It is the case of the applicant that in the year 2006 he joined NTRO as Scientist-B on deputation from DRDO, and was absorbed in the year 2008. After his appointment in NTRO, he remained posted at Delhi for four years and thereafter transferred to hard station Bhuj in June 2010. He was again transferred to Delhi in August 2013, and

after serving at Delhi for more than three years, now he has been transferred to Lucknow vide the impugned order dated 26.09.2016.

2. The grievance projected by the applicant is that his wife is serving in Delhi and his daughter is also studying in Class V. His father is a cancer patient and the applicant being the only son has to take care of his father who is being treated in Medanta Hospital, Gurugram. Other contention of the applicant is that whereas other persons having longer stay in Delhi than the applicant have been retained at Delhi, the applicant has been transferred out of Delhi.

3. Sh. Hanu Bhaskar has put in appearance on behalf of the respondents and placed on record an order dated 03.11.2016 whereby representation made by the applicant against the transfer order has been rejected and he has been ordered to be relieved immediately. He further submits that the applicant already stands relieved.

4. Be that as it may, the fact remains that the challenge in the present OA is to the transfer made by the respondents. Vide impugned order dated 26.09.2016 as many as eight persons have been transferred. The applicant out of ten years of service in NTRO, has spent seven years in Delhi and now he has been transferred to Lucknow where medical facilities and education for children is available. It is settled law that transfer is prerogative of the employer. It is for the employer to see how and where the services of an employee can be appropriately utilised in the best interest of the organisation. Therefore, interference in transfer matters is not warranted particularly in the facts and circumstances of this case. This application deserves to be dismissed. We order accordingly.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/