

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

O.A.No.2870/2017

Thursday, this the 24<sup>th</sup> day of August 2017

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

1. Mr. G D Kukreti, s/o Mr. N D Kukreti  
Aged about 58 years  
r/o D-119A, Lajpat Nagar, Sahibabad  
Distt. Ghaziabad (UP) and  
Working as Chemist Grade I (Group 'B' post) in  
Quality Control Laboratory, FNB (NR),  
10/11, Jamnagar House, New Delhi

..Applicant

(Mr. S S Tiwari, Advocate)

Versus

1. Union of India through Secretary  
Ministry of Women and Child Development  
6<sup>th</sup> Floor, Wing A, Shastri Bhawan  
New Delhi
2. Joint Secretary (Food & Nutrition Board)  
Ministry of Women and Child Development  
6<sup>th</sup> Floor, Wing A, Shastri Bhawan  
New Delhi
3. Director (Food & Nutrition Board)  
Ministry of Women and Child Development  
6<sup>th</sup> Floor, Wing A, Shastri Bhawan  
New Delhi
4. Under Secretary (FNB)  
Ministry of Women and Child Development  
3<sup>th</sup> Floor, Jeevan Vihar Building  
Parliament Street, New Delhi -1
5. Joint Technical Advisor, (FNB), (Head Quarters)  
Ministry of Women and Child Development  
3<sup>th</sup> Floor, Jeevan Vihar Building  
Parliament Street, New Delhi -1

..Respondents

(Ms. Avinash Kaur, Advocate)

**O R D E R (ORAL)****Justice Permod Kohli:**

Notice. Ms. Avinash Kaur, learned counsel appears and accepts notice on behalf of respondents.

2. The applicant is working as Chemist Grade I in Food & Nutrition Board. Vide order dated 01.07.2016 (Annexure A-4), on his reversion from the promotional post of Assistant Technical Adviser (*ad hoc*), he was adjusted at Quality Control Laboratory (QCL), New Delhi against a substantive post. It is stated that since then the applicant is continuing at New Delhi. Vide the impugned order dated 31.07.2017 (Annexure A-1), the applicant has been ordered to be transferred from CFNEU, Lucknow to Regional Office (WR), Mumbai. It is this order, which is subject matter of challenge in the present O.A.

3. The grievance of the applicant is that in last four years, he has been transferred three times. His second grievance is that the transfer policy of 2015 (Annexure A-5) provided mandatory period of tenure of three years or four years in respect of some of the officers. Paragraph 5 of the transfer order specifically mentioned that the tenure is mandatory. Admittedly, the applicant has been transferred within the aforesaid tenure. He represented against his transfer vide representation dated 04.08.2017 (Annexure A-6) addressed to the Secretary, Ministry of Women & Child Development, Shastri Bhawan, New Delhi, which is still pending.

4. Keeping in view the averments made in the O.A., and the fact that the representation of the applicant has not been addressed to, we dispose of

this O.A. at the admission stage without commenting upon the merits of the controversy, with a direction to respondent No.1 to consider the aforesaid representation of the applicant and take decision thereon in light of the transfer policy and other relevant factors mentioned therein, and dispose of the same by passing a reasoned and speaking order, within a period of two weeks from the date of receipt of a copy of this order. Till the representation of the applicant is decided, the applicant shall be allowed to continue at the present place of posting.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

**August 24, 2017**

/sunil/