

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No.3947/2018

This the 16th day of October, 2018

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Madhusudan Chaturvedi, Group-B,
S/o Shri Vinod Kumar Sharma
Aged 33 years,
Research Assistant,
National Centre for Disease Control,
R/o Flat No.2, Honey Apartment,
Ward No.6, Mehrauli,
New Delhi-110030.

... Applicant

(By Advocates: Shri Apurb Lal)

Versus

1. Union of India,
Through its Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.
2. The Director General of Health Services,
Through its DGHs,
Room No.446-A,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110018.
3. The Director,
National Centre for Disease Control,
22-Sham Nath Marg,
Delhi-110054.

... Respondents

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard the learned counsel for applicant and Shri Shailendra Tiwari, learned counsel, on receipt of advance notice on behalf of respondents.

2. It is submitted that the applicant while working as Research Assistant in the respondent National Centre for Disease Control at Patna was transferred to Delhi on his own request vide memorandum dated 07.08.2017. In pursuance of the said transfer order, the applicant joined at Delhi and working as such till date.

3. It is further submitted that one Shri Charanjeet Singh filed the OA No.3016/2017, wherein he made the applicant also as one of the party respondents, against his transfer from Delhi to Patna and the said OA was dismissed by this Tribunal on 05.01.2018, with an observation that the said dismissal of the OA shall not preclude the applicant therein from making an appropriate representation, after completion of one year at Patna, if he so desires and in such an event, the respondents shall consider the same in accordance with rules. Though the applicant was made as a party respondent to the OA No.3016/2017 and since the said OA itself was dismissed, the applicant was under the impression that the matter is settled and he could continue in the present place, as per rules, till the completion of his tenure. However, recently, the applicant came to know that the respondents are contemplating to transfer him to some other place to accommodate the said Shri Charanjeet Singh, as the details of the dues of the applicant are called for from the concerned section. It is submitted that the applicant, in view of his

family difficulties, got himself transferred to the present place of New Delhi on his own request and even before the completion of minimum tenure of four years, if he is transferred to some other place, he will be put to great hardship and irreparable loss. It is also submitted that any such transfer will also be in violation of the transfer policy. The applicant made Annexure-A/8 representation dated 10.10.2018 against his proposed transfer from Delhi to any other place.

4. In the circumstances, the OA is disposed of without going into the merits of the case, by directing the respondents to consider the Annexure-A/8 representation dated 10.10.2018 of the applicant before transferring the applicant from Delhi to any other place, and to pass a speaking and reasoned order thereon, in accordance with law. No costs.

5. Order **Dasti**.

6. Let a copy of the OA be enclosed to this order.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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