

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A./100/4279/2018

New Delhi, this the 26th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

MES-486825 Shri Anand Kumar Tiwari
S/o Shri Chandra Sekhar
T-20, Temple Lane, Ramgarh Cantt.
PIN : 829122 ... Applicant

(Through Shri Janak Raj Rana, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Defence
South Block,
New Delhi-110011
2. DG (Pers)
HQ, Military Engineer Services
Kashmir House, Rajaji Marg,
New Delhi-110011

(Through Shri Hanu Bhaskar, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicant is a Garrison Engineer (GE) in the Ministry of Defence. At present he is working as GE at Ramgarh in the State of Bihar. Through an order dated 6.11.2018, he is transferred to Allahabad as CE (AF). This O.A. is filed challenging the said order of transfer.

2. The applicant contends that after his tenure at Leh, he has been transferred to Ramgarh only in April, 2016 and before he completed the stipulated term of three years, he is transferred to Allahabad. He further contends that in view of his posting at Ramgarh, his wife who is a Teacher in Kendriya Vidyalaya Sangathan (KVS), was also accommodated at Ramgarh and that his transfer to Allahabad, which is otherwise beneficial to him since he has been posted as CE, would result in serious family related problems. The transfer is challenged mostly on the grounds of inconvenience.

3. We heard Shri Janak Raj Rana, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

4. It is not in dispute that the applicant served at Leh and thereafter he is posted at Ramgarh. An officer who served at a disadvantageous place like Leh is transferred to a place of his choice to remain there for a stipulated term. In the instant case, the transfer is effected after two-and-a-half years. Though the shortfall is just six months and the respondents have every right to pass an order of transfer, if it is warranted in administrative exigencies, the problems of government servant need to be taken into account.

4. Applicant's wife is a teacher in KVS and as provided for in policy guidelines, she was also transferred at Ramgarh in view of the transfer of the applicant to that place. The transfers in KVS are effected at the end of the academic year. Though we are not

inclined to interfere with the transfer nor the applicant is taking any serious exception to that, what remains to be considered in the matter is only the convenience of the applicant and his family.

5. We, therefore, uphold the order of transfer, granting time to the applicant to report for duty at the new place of posting till 28.02.2019. The O.A. is disposed of accordingly. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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