

OA.No.170/00051/2018/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00051/2018

DATED THIS THE 26TH DAY OF APRIL, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

N. Chandrasekharan
Scientist-F
Aged: 58 years
S/o Shri Natarajan
Working at Defense
Avionics Research
Establishment (DARE)
C.V. Raman Nagar,
Bangalore – 560 096

...Applicant

(By Advocate Shri Ranganatha S.Jois)

Vs.

1. The Union of India

Represented by Secretary and
Director General,

Defence Research and Development

Organisation (DRDO),

Govt. of India DRDO Bhavan,

New Delhi – 110 011.

2. The Director

Defence Research and Development

Organisation (DRDO),

Defense Avionics Research Establishment

P.O. Box No. 9366,

C.V. Raman Nagar,

Bangalore – 560 096

...Respondents

(By Shri. S. Prakash Shetty, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The applicant has only 18 months left to superannuation. The learned counsel for the respondents would say that at the time of the filing of the OA he had 2 years and 4 months service and therefore the 2 months barrier may not be effectively applicable against him. It may be technically correct but there must be some very significant facts available for such a transfer at the cusp of the retirement to be removed unless to a better position. Apparently the applicant had chosen for a transfer to Chennai and the respondents would say that such a transfer is not available in Chennai but then they need him for a

particular work in Hyderabad. The applicant apparently is a native of Chennai and wanted to settle down there. The applicant would say that a requisition was made from Chennai to go there and assist in a particular work and would say that the applicant was doing the very same work and he was therefore eligible for it. The respondents counter that the applicant is an expert in laser and therefore they need him more at Hyderabad. But whatever it is at the fag end of his career there is no point in transferring the applicant to any other place other than the place of his choice. If such a place cannot be found in Chennai then it is highly improbable that he should be transferred out of Bangalore at the fag end of his career. Any government employee must have a satisfaction of his continuity at least at the eve of his retirement. Therefore we hold that the transfer order against the applicant will not lie. At this point of time Shri S. Prakash Shetty, learned counsel for the respondents, submits that whether he is Bangalore or Hyderabad it will not make a difference as he is a native of Chennai and Chennai position they are unable to give him. That may be so but at least he must have a satisfaction of retiring from a place where he had been. That at least the government must bear in mind. Therefore we quash the transfer order. The applicant will continue as it is till the retirement.

2. The OA is allowed. No order as to costs.

(PRASANNA KUMAR PRADHAN)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00382/2018

Annexure A1 Copy of the letter dated 14.07.2015

Annexure A2 Copy of the representation dated 28.12.2016

Annexure A3 Copy of the transfer order dated 21.06.2017

Annexure A4 Copy of the representation dated 04.07.2017

Annexure A5 Copy of the letter dated 06.07.2017

Annexure A6 Copy of the letter dated 26.07.2017

Annexure A7 Copy of the representation dated 02.08.2017

Annexure A8 Copy of the rejected representation dated 10.10.2017

Annexure A9 Copy of the representation dated 17.10.2017

Annexure A10 Copy of the rejected by order dated 10.01.2018

Annexure A11 Copy of the representation dated 19.01.2018

Annexure A12 Copy of the movement order dated 24.01.2018

Annexure A13 Copy of the relieving order dated 24.01.2018

Annexures with Rejoinder

Annexure A14 Copy of the communication dated 12.01.2017

Annexure A15 Copy of the communication dated 07.12.2016

Annexure A16 Copy of the order dated 01.0.2010 in O.A. No. 1965/2010

Annexure A17 Copy of the order dated 15.10.2013 in O.A. No. 215/2013

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