

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 14th day of June Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/673/2018

P. Karuthalagan,
Asst. Engineer (P), CCC-II,
CPWD, Chennai.

.....Applicant

(By Advocate : M/s. M. Vaidhiyanathan)

VS.

1. The Special Director General (SR),
Central Public Works Department, 1st Floor,
G Wing, Rajaji Bhavan, Besant Nagar,
Chennai- 600 090;
2. The Deputy Director General (HQ-Cum-BD),
Southern Region,
Central Public Works Department, 1st Floor,
G Wing, Rajaji Bhavan, Besant Nagar,
Chennai- 600 090;
3. The Superintending Engineer,
CCC-II, CPWD,
Chennai- 600 006.

... ..Respondents

(By Advocate: Mr. M. Kishore Kumar)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard both sides. This O.A has been filed by the applicant seeking the following reliefs:-

“ to set aside the Office Memorandum bearing No.7(1)(4)/2018/DDG(HQ)/SR/25 dated 1.2.2018 passed by the Second Respondent in so far as it affects the applicant and the consequential office order bearing No.8(1)2018/CCC-II/ESTT/357 dated 23.5.2018 issued by the third respondent.”

2. It is submitted that the applicant was entitled to the benefit of O.M. dated 30.09.2009 of the DOP&T whereby guidelines had been issued for posting of husband and wife at the same station. It is alleged that the applicant's wife is an employee with the Government of Tamil Nadu and the applicant had been serving in the same station for the last eight years. Since the applicant was being transferred in alleged violation of the transfer policy, he made Annexure A/2 representation dated 11.5.2018 for retention at Chennai. However, the authorities passed Annexure-A/8 and A/6 impugned orders by which applicant's representation had been 'regretted' and he was deemed to have been relieved of his duties with effect from 23.5.2018. Aggrieved, the applicant has filed the instant O.A.

3. Mr. M. Kishore Kumar, who appears on behalf of the respondents would submit that the applicant had already been enjoying the benefit of the policy for eight years. The policy under which the husband and wife are to be accommodated at the same place was subject to administrative

exigencies and public interest. The guidelines issued by the DOP&T did not provide for a life time guarantee for the applicant to serve at the same place as his wife. He produces a copy of the order of the Hon'ble Mumbai High Court in W.P. No. 10913/2017 dated 28.09.2017 and draws attention to para 10 thereof which is reproduced below:-

"10. As regards the third ground also, the Supreme Court, while interpreting the policy of retention on the spouse ground, has WP-10913-17.doc observed that, the said provision of posting husband and wife at the same station is discretionary and it is not such that in every case, simply because both the spouses happen to serve at one station, they cannot be shifted till their retirement. It is pertinent to note that since last about 18 to 19 years, if the petitioner and his wife are posted at one place and now for administrative reason, if the transfer of the petitioner is made by respondents, the effect of which "Transfer Order", he has succeeded so far to avoid or to postpone, no further interim relief is necessary."

Learned counsel would accordingly argue that the applicant having served for eight years at Chennai could not seek a direction from this Tribunal for retention at Chennai much less an interim order to maintain status quo pending disposal of the OA.

4. I have considered the matter. It is not in dispute that applicant made Annexure A/2 representation dated 11.05.2018 for his retention at Chennai. It appears from Annexure-A/8 impugned order that the requests of some persons had been accommodated while others had been 'regretted'. The reasons why the request of others have been 'regretted' are not spelt out. I am accordingly of the view that the ends of justice would be met in this case if the respondents are directed to disclose to the applicant the manner in

which his request was processed and submitted to the Hard Cases Committee (H.C.C) and the reason why it did not find favour with the Committee. Accordingly, the respondents are directed to specifically respond to Annexure-A/2 representation of the applicant by a reasoned order within a period of one month from the date of receipt of copy of this order.

5. The O.A. is disposed of. No order as to costs.

(R. RAMANUJAM)
MEMBER(A)

asvs.

14.06.2018