

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00135/2018

Jabalpur, this Friday, the 03rd day of August, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Om Prakash Karosia
S/o Late Shri Ganga Prasad Karosia
Aged about 57 years
R/o 792 Behind Janta School,
Mandla Road, Bilhari
Jabalpur (M.P.) 482001

-Applicant

(By Advocate –**Shri Akash Choudhary**)

V e r s u s

1. Additional Central Provident Fund Commissioner
M.P. & C.G. Bhavishyanidhi Bhawan,
59 Arera Hills
Bhopal 462011 (M.P.)

2. Regional Provident Fund Commission (1)
Bhavishyanidhi Bhawan, 59 Arera Hills
Bhopal 462011 (M.P.)

3. Regional Provident Fund Commissioner (1)
Bhavishyanidhi Bhawan, Vijay Nagar
Jabalpur 482002 (M.P.)

4. Shri Lakhan Singh
Through Regional Provident Fund
Commissioner Bhavisha Nidhi Bhawan
Vijay Nagar, Jabalpur 482003

- Respondents

(By Advocate –**Shri J. K. Pillai** for official respondents
& **Shri N.K. Mishra** for respondent No.4)

ORDER (ORAL)**By Navin Tandon, AM:-**

The applicant, aged 57 years is working as Section Supervisor with Employees Provident Fund Organization (EPFO). The applicant states that vide order dated 31.01.2018 (Annexure A-1) he was transferred from Jabalpur to Sagar and the respondent No. 4 Shri Lakhan Singh was transferred from Jabalpur to Gwalior. Vide order dated 02.02.2018 (Annexure A-3) the respondents modified the posting order of respondent No. 4 to Sagar and the applicant to Gwalior.

2. It is the case of the applicant that this was done without any logic and without any representation on the part of the respondent No.4.

2.1 He submits that he has less than three years of service before his superannuation.

2.2 The applicant has submitted in Para 4.12 of the Original Application as under:

“(4.12) That, the applicant hereby quotes an example of shri Shivendra Khamparia, Shri Saroj Sondhiya, Indira Kori and Anita Dholpuri to state that they were never transferred to Gwalior being the hard station and were treated to be blue eyed employees of the department and always accommodated at Jabalpur. This inaction of the respondents is arbitrary, unjust, unlawful and deserves to be set aside by this Hon’ble Tribunal.”

3. The applicant has sought for the following reliefs in this Original Application:-

“8. Relief Sought:-

It is, therefore, prayed that this Hon’ble Court may kindly be pleased to :-

8(i) Summon the entire relevant record from the possession of the respondents for its kind perusal;

8(ii) Quash and set aside the orders dated 31/01/2018 (Annexure A/1) dated 01/02/2018 (Annexure A/2) & 02/02/2018 (Annexure A/3) so far it transfers the applicant from Jabalpur to Sagar and Gwalior.

8(iii) Command and direct the respondent authorities to permit the applicant to work at the present place of posting i.e. Jabalpur along with all consequential benefits.

8(iv) Any other order/orders, which this Hon’ble Court deems, fit proper.

8(v) Cost of the petition may also kindly be awarded.”

4. The official respondents in their reply have submitted that the applicant has not been transferred on regular basis but as a matter of internal arrangement on rotational basis, the applicant has been transferred to Gwalior for a short period of one year and thereafter on completion of one year the applicant would be transferred back to the present R.O. at Jabalpur.

- 4.1 Learned counsel for the official respondents in Para 7 and 14 of the reply have further stated as under:

“(7). It would be apt here to mention that the contentions raised by the applicant in the present O.A. is misconceived and misplaced and deserves to be rejected outright. It is respectfully submitted that vide order dated 01.02.2018 it is not only the applicant, but all those Section Supervisors who were discharging their duties at respective R.O’s and were in excess as compared to other R.O’s suffered due to short of Section Supervisors.

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(14). It is submitted that in the line with the rotational transfer, for smooth Functioning of R.O’s where Section Supervisors were short, transfers to respective R.O’s were made viz. 04 Section Supervisors were due from RO Gwalior were transferred to RO, Jabalpur in January 2018, 03 Section Supervisors were due from RO Sagar were transferred to RO Jabalpur. Thus, 04 Section Supervisors were to be transferred to RO Gwalior and 03 Section Supervisors were to be transferred to RO Sagar. Thus, total 14 Section Supervisors were transferred to and from RO Jabalpur and the applicant is one of them.

4.2 The respondents have further submitted that the applicant was initially transferred to RO Sagar and after perusal of records, it revealed that the applicant was due for transfer to R.O. Gwalior and thus the initial orders of transfer was partially modified and issued on 02.02.2018 transferring the applicant to Gwalior.

4.3 Further, it is stated in Para 11 of the reply that the transfer of the applicant in line with the rotational transfer was due and thus the same was given effect vide order dated 01.02.2018 which stood partially modified and to rotational scheme.

5. Shri N.K.Mishra, learned counsel appearing on behalf of respondent No. 4 submitted that he came to Jabalpur in the month of September 2016 after spending one year at Gwalior. Now in compliance of the transfer order Annexure A-1 and A-3 he has already joined at Sagar on 08.02.2018 and is working their diligently.

5.1 He further submits that he is also on the verge of retirement. Thus, it would not be in the fitness of things to disturb the posting of the answering respondent only for the bald allegations leveled by the applicant.

6. Heard the learned counsel for the parties and perused the pleadings available on file.

7. Learned counsel for the official respondents filed noting sheet in which it was mentioned that the applicant had come from Gwalior in January 2016 and respondent No. 4 had come on 19.09.2016 and therefore it is the applicant's turn to go to Gwalior. However, learned counsel for the official respondents was unable to produce any guidelines for the rotational transfer.

8. During the arguments, learned counsel for the official respondents submitted that no guidelines or scheme for a rotational transfer is in place and all the transfers between Jabalpur, Sagar,

Gwalior, Bhopal & Indore is done as per internal arrangement between the union and the management and the same is done for a period of one year only for which T.A. and D.A. is paid.

9. It appears from the reply as mentioned in Para 7 that more Section Supervisor than the sanctioned strength are being kept at a popular place like Jabalpur and vacancies are being deliberately kept at less favorable place like Gwalior. This can not be an acceptable arrangement practice where Govt. exchequer is unnecessarily being wasted. It has been brought to our notice that another rotational transfer order are likely to be issued within the next fortnight.

10. The whole litigation has arisen because the official respondents do not have a clearly laid down transfer guidelines and the tenure specified at each station and, therefore, on every round of transfers the employees flock to this Tribunal for addressing their grievances.

11. Therefore, we direct the Secretary, Ministry of Labour to look into the issue and instruct the appropriate authority of the respondent organization to formulate rotational transfer guidelines.

12. Registry is directed to send a copy of this order to the Secretary, Ministry of Labour regarding Para 11 above.

13. As far as the instant Original Application is concerned the official respondents have not been able to convince us of the need of issuing Annexure A-3 dated 02.02.2018, which is the grievance of the applicant.

14. Accordingly, we quash and set aside Annexure A-3 dated 02.02.2018 qua the applicant. The O.A. is accordingly disposed off.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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