

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO.060/00479/2019**  
**Chandigarh, this the 10<sup>th</sup> day of May, 2019**

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &**  
**HON'BLE MS. P. GOPINATH, MEMBER (A)**

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M.C. Kardam, age about 57 years, Indian Skill Development Services (ISDS) son of Harish Chander Kardam, Joint Director, National Skill training Institute, Ludhiana, Punjab, resident of quarter No. 1/Type-V, ATI complex, Gill Road, Ludhiana, Punjab – 141003 (Group A)

**....Applicant**

**(Present: Mr. Amit Mann, Advocate)**

**Versus**

1. Union of India through its Secretary, Ministry of Skill Development Entrepreneurship (MSDE), Govt. of India, Shivaji Stadium, New Delhi-110001
2. Director General Training, Ministry of Skill Development and Entrepreneurship, Directorate General of Training, Govt. of India, Employment Building, PUSA Complex, New Delhi – 110001.
3. Regional Director, Office of the Director, National Skill Training Institute, Gill Road, Ludhiana, Punjab.

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**Respondents**

**(Present: Mr. Sanjay Goyal, Advocate)**

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

1. The present O.A. has been filed by the applicant seeking quashing of transfer order dated 06.05.2019 (Annexure A-6) whereby he has been transferred from Ludhiana to Raipur.
2. Heard.
3. Learned counsel submitted that the impugned transfer order, passed without there being any public interest, is bad in law.

He submitted that the applicant was transferred from Delhi to Ludhiana vide order dated 06.06.2018, only a year ago and now again he is being disturbed. He further submitted that the applicant is in the zone of consideration for promotion to the next post within a year. He argued that the transfer policy (Annexure A-8), particularly 8(b) thereof, provides that the persons who are due for promotion shall be exempted from rotational transfer, as on promotion officers are transferred if they have completed the prescribed tenure for the promotional post. He, therefore, prayed that the impugned transfer order, in view thereof, be quashed and the applicant be allowed to continue at the present place of posting.

4. Learned counsel informed that the applicant has already made a representation dated 26.03.2019 (Annexure A-10), raising all these pleas, to the respondents, but the same has not been answered till date. He, therefore, prayed that the applicant would be satisfied if a direction is issued to the respondents to take a call and decide his representation within a time frame.

5. Issue notice to the respondents.

6. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice.

7. In the wake of the above noted facts, we deem it appropriate to direct the respondents, at the first instance, to redress the grievance of the applicant, as raised in indicated representation (Annexure A-10), in accordance with the transfer policy and law

on the issue, within a period of 15 days from the date of receipt of a copy of this order. The order so passed be duly communicated to the applicant. Till then, the respondents are directed to allow the applicant to continue at the present place of posting, if he has already not been relieved.

8. Needless to mention, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. The respondents are free to take an independent view in accordance with law. No costs.

**(P. GOPINATH)  
MEMBER (A)**

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**(SANJEEV KAUSHIK)  
MEMBER (J)**  
**Dated: 10.05.2019**

