

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00252/2019
Chandigarh, this the 14th day of March, 2019

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

...

Mr. Rajendra Singh Bhati S/o Shri Ramsaran Bhati, aged 58 years,
resident of E 88/A, East Vinod Nagar, Delhi – 110091, India.

And working as
Joint Director, National Horticulture Board (Group A)
Ministry of Agriculture & Farmers Welfare,
Govt. of India, Plot No. 85, Institutional Area, Sector 18,
Gurugram – 122015.

....Applicant

(Present: Mr. Khushwant Singh Mann, Advocate)

Versus

1. Union of India through the Secretary, Department of Agriculture, Cooperation & Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Krishi Bhawan, New Delhi – 110001.
2. The Managing Director, National Horticulture Board, Ministry of Agriculture & Farmers Welfare, Govt. of India, Plot No. 85, Institutional Area, Sector 18, Gurugram - 122015

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of this O.A., the applicant has assailed the order dated 26.02.2019 (Annexure P-5) whereby he has been transferred from Gurugram to Guwahati, on various grounds.
2. Heard.
3. Learned counsel argued that the impugned order is contrary to the Transfer policy (Annexure P-3), particularly clause 6 thereof under the heading 'Tenure of Posting', as he has not been put to notice or asked for his choice stations. He further submitted that the persons posted at sensitive posts have been allowed to continue at same station beyond the maximum prescribed period, but he

has been discriminately picked up for transfer. On the grounds aforementioned, learned counsel prayed that the impugned transfer order being discriminatory and in contravention of the relevant transfer policy, be set aside.

4. Learned counsel submitted that before approaching this Court, the applicant submitted a representation dated 05.03.2019 (Annexure P-6) to the respondents to cancel his transfer, which stands unanswered till date. He prayed that the applicant would be satisfied if a direction is issued to the respondents to consider and take a view on his representation within a specified time.

5. Notice.

6. At this stage, Mr. Sanjay Goyal, Sr. CGSC appears and accepts notice. He does not object to the disposal of the O.A., in the above terms. He, however, requests for grant of 10 days time so that the grievance of the applicant could be ventilated.

7. In the wake of the above, the O.A. is disposed of, in limine, with a direction to the respondents to consider and decide the indicated representation (Annexure P-6) in accordance with the transfer policy, within a period of 10 days from the date of receipt of a copy of this order. A copy of the order so passed be duly communicated to the applicant.

8. Needless to mention, the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 14.03.2019

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