

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA/020/799/2016

**Reserved on: 04.04.2019
Order pronounced on: 05.04.2019**

Between:

M.S.R.V. Prasad,
Aged about 43 years,
S/o. Late Sri M.V. Appa Rao,
Labour Enforcement Officer (Central),
Government of India,
Ministry of Labour and Employment,
Railway Station Premises,
Rajahmundry – 533 101 (A.P.)

...Applicant

And

1. Union of India rpe. by its
Secretary, Govt. of India,
Ministry of Labour & Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi – 110 001.
2. Chief Labour Commissioner (Central),
Govt. of India, Ministry of Labour & Employment,
Shram Shakti Bhavan, Rafi Marg,
New Delhi – 110 001.
3. Deputy Chief Labour Commissioner (Central),
Govt. of India,
Ministry of Labour & Employment,
ATI Campus, Vidya Nagar,
Hyderabad – 500 007.

...Respondents

Counsel for the Applicants ... Mr. T. Koteswara Rao

Counsel for the Respondents ... Mr. A. Vijaya Bhaskar Babu, Addl.CGSC.

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA is filed for not granting transfer benefits to the applicant consequent to his transfer from Andaman and Nicobar Islands to Rajahmundry.

3. Brief facts of the case are that the applicant was recruited as LDC in 2000 in the respondents organisation. On completion of two years of tenure in Port Blair the applicant has submitted a request for transfer to Rajahmundry. As per his request he was posted to Rajahmundry without granting him the associated transfer benefits and hence the OA.

4. The contentions of the applicant are that as per rules after working at Andaman and Nicobar Island for two years, an employee who has put in more than 10 years of service, is entitled for transfer allowance and other benefits.

5. Respondents state that the applicant was transferred to Rajahmundry as per his request before completion of tenure of 4 years at Andaman & Nicobar Islands and hence was not granted the transfer benefits. It was also mentioned in the transfer order that the applicant is not eligible for transfer benefits since the transfer is on request.

6. Heard both the counsel and perused the documents and material papers submitted.

7. The applicant was transferred from Andaman and Nicobar Islands to Rajahmundry at the request of the applicant. As it is a request transfer

respondents refused transfer benefits and to this extent an endorsement was also made in the transfer order. Respondents claim that the tenure prescribed at Andaman and Nicobar Island is 4 years and since the tenure has not been completed the applicant is not eligible for transfer benefits. Learned counsel for the applicants has submitted the Min. of Finance OM dated 1.12.1983 wherein it was clearly spelt out that those who put in more than 10 years of service, their tenure in Andaman and Nicobar islands will be 2 years. The same was reiterated by Min. of Finance on 1.12.1988 and on 22.7.1998. The respondents being a central Govt. organisation, as per clause 4 (2) (c) of G.O.I, Transaction of Business rules, they have to follow the orders of Min. of Finance, which they did not in the present case. Rules are to be followed and they should not be violated as observed by Hon'ble Supreme Court in T.Kannan and ors vs S.K. Nayyar (1991) 1 SCC 544 held that

“Action in respect of matters covered by rules should be regulated by rules”.

Therefore, the action of the respondents in not granting transfer benefits to applicant is against rules. Hence the respondents are directed to grant transfer benefits due to the applicant as is granted to any other official on completing tenure, within 3 months from the date of receipt of this order . There shall be no order as to costs.

8. With the above direction, the OA is allowed.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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