

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA/21/951/2017 &
MA/21/354/2018**

Dated: 18/04/2019

Between

Atul Sikka,
S/o. Sri Yashpal Sikka,
Aged 55 years,
MES ò 300265,
Director (Works) and Head of Office,
O/o the Additional Director General (OF & DRDO),
Military Engineers Service, Mudfort,
Secunderabad ò 500 003
R/o. Hyderabad.

... Applicant

AND

1. Union of India rep. by
The Secretary, Ministry of Defence,
South Block, Government of India,
New Delhi ò 110 011.
2. Engineer-in-Chief,
Engineer-in-Chieføs Branch,
Integrated HQ of MoD (Army),
Kashmir House, Rajaji Marg,
New Delhi ò 110 011.
3. Directorate General Personnel / EIB,
Engineer-in-Chieføs Branch,
Integrated HQ of MoD (Army),
Kashmir House, Rajaji Marg,
New Delhi ò 110 011.
4. The Additional Director General (OF & DRDO),
Military Engineering Services,
Ministry of Defence, Hyderabad, Picket,
Secunderabad ò 500 003. ... Respondents

Counsel for the Applicant : Mr. Siva
Counsel for the Respondents : Mr. M. Brahma Reddy, Sr.PC to CG

CORAM :

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admin. Member***

ORAL ORDER

(Per Hon^{ble} Mr. Justice L. Narasimha Reddy, Chairman)

The applicant was holding the post of Additional Director General of Ordnance Factory & DRDO at Secunderabad. Through an order dated 20.10.2017, he has been transferred as Director to the O/o the Additional Director General (CG & AN). The same is challenged in this O.A.

2. The applicant contends that he has been subjected to frequent transfers at least from the year 2013 on as many as four occasions and though he was posted to Secunderabad as recently as in July, he is transferred to Chennai. Another plea raised by him is several officers were holding similar posts but they were continuing in Secunderabad & Hyderabad for several years or were accommodated in one position or the other. But he is sought to be transferred.

3. The respondents filed counter affidavit opposing the O.A. According to them, the O/o.ADG (OF & DRDO) is discontinued and it became necessary to shift the applicant to Chennai. They denied the various allegations of discrimination made by the applicant.

4. The applicant filed a rejoinder. He enclosed copies of certain proceedings which reflect the continuation of some officers of similar cadre at Hyderabad. He further alleges that the proposal in respect of his transfer was submitted to 1st respondent in such a way that the shifting is only to Secunderabad, but in the impugned order a different place is issued.

5. We heard Sri Siva, learned counsel for the applicant and Sri M. Brahma Reddy, learned Senior Panel Counsel appearing for the respondents.

6. It is no doubt true that transfer is an incidence of service and a Government employee is required to serve at any place wherever he is posted. At the same time, the Government has framed certain guidelines to ensure that the element of objectivity in the context of transfers is observed. Normally, tenure of an employee of the status of the applicant is four years. This, however, is subject to the exigencies of service or administrative necessities. What is impugned in the O.A. is an order of simplicitor, without reflecting any element of administrative or punitive measures.

7. It is not in dispute that the tenure of the applicant at Hyderabad, by the time he came to be transferred was just about one year. Earlier to that, he has undergone four transfers. The amount of hardship which is caused to an employee on account of frequent transfers is not difficult to be explained or imagined.

8. If in fact the transfer became necessary on account of disbanding of the office of the ADG (OF & DRDO), no serious exception can be taken to it. However, a perusal of the order dated 18.5.2018 filed by the applicant in the rejoinder discloses that even after disbanding of the said office and the parallel creation of the O/o ADG (CG & AN), the entire establishment was required to operate from Secunderabad. In the counter affidavit, however, a different version is presented. In the entire scenario, we are of the view that the 1st respondent needs to take a comprehensive view so that the genuine grievance of the applicant is addressed properly. We, therefore, dispose of

the O.A., permitting the applicant to file a detailed representation to the 1st respondent directly within two weeks from today, and the latter in turn, shall pass appropriate orders thereon. Till such orders are passed, the interim order passed by the Tribunal, shall remain in force. MA/21/354/2018 shall stand closed. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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