

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**OA/310/00060/2019**

**Dated Wednesday the 30<sup>th</sup> day of January Two Thousand Nineteen**

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

M.Radhakrishnan,  
D-4, SBI Quarters,  
Sugarcane Breeding Institute,  
Veerakeralam, Coimbatore 641007.

....Applicant

By Advocate M/s. T. Sai Krishnan

Vs

1.The Indian Council of Agricultural Research,  
rep by its Director General (ICAR),  
Krishi Bhawan, New Delhi.

2.The Secretary (ICAR),  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

3.The Under Secretary (Admn),  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

4.The Financial Advisor (ICAR),  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

5.The Director (Finance),  
The Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi.

6.The Director,  
ICAR-Sugarcane Breeding Institute,  
Sugarcane Post,  
Coimbatore 641007.

7.Dr. Bakshi Ram,  
Director,  
ICAR-Sugarcane Breeding Institute,  
Sugarcane Post, Coimbatore 641007.

....Respondents

By Advocate Mr. Karthik Rajan

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following reliefs :

"i. Call for the records on the file of the 1<sup>st</sup> respondent relating to the impugned order of transfer dated 09.01.2019 as communicated by the 3<sup>rd</sup> respondent by order bearing ref No. F. No. Admn.3-1-2017-Estt.I and quash the same in so far it concerns to applicant only.

ii. To pass such further or other order and thus render justice."

2. The applicant had earlier filed OA 1617/2018 against changes in work distribution made by the Respondent no. 7 in Respondent no. 6 institute by which certain essential duties assigned to him had been withdrawn and assigned to another person. The matter was considered and it was observed that it concerned the 5<sup>th</sup> respondent institute therein and as the 4<sup>th</sup> respondent had taken an adverse view of the change, it was for the 4<sup>th</sup> respondent to take the matter to its logical conclusion in exercise of his powers and in accordance with the procedure laid down in the relevant rules after considering the response, if any of the 5<sup>th</sup> respondent therein. The OA was dismissed as there was no cause of action warranting interference at that stage.

3. The applicant is now aggrieved by Annexure A26 impugned order dt. 09.01.2019 by which he has been transferred from SBI, Coimbatore to CIRCOT, Mumbai, a different institute under the 2<sup>nd</sup> respondent. It is surmised that the transfer had been ordered at the behest of the 7<sup>th</sup> respondent whose action of divesting the applicant of his duties was alleged to have been guided by ulterior motives. Accordingly, the bonafides of the impugned action would appear to be

dubious, more so when the applicant had not completed the minimum tenure guaranteed in the transfer guidelines, it is contended.

4. Notice was taken by Mr. Karthik Rajan for respondents No. 1-6 on 23.01.2019 when it was submitted that the applicant had already been relieved on 19.01.2019. As for the legality and the background of the impugned order, time was sought to obtain instructions. Today, it is submitted that the learned counsel is still awaiting instructions.

5. We have considered the matter at the admission stage. A perusal of the Annexure A26 impugned order dt. 09.01.2019 shows that the transfers ordered therein had been recommended by the Transfer Committee. In terms of Annexure A20 transfer guidelines issued by the respondents dt. 14.09.2018, the Transfer Committee comprises of the following :-

Secretary, ICAR	- Chairman
ADG (PIM), ICAR	- Member
Director (P), ICAR	- Member
Director (F), ICAR	- Member
Director (A), ICAR	- Member Secretary

The applicant has no reason to allege malafide against the members of the Transfer Committee.

6. Notwithstanding the above, it is also seen from the guidelines that the minimum tenure in the case of "A" category stations would be five years whereas it is submitted by the applicant that he had joined the 6<sup>th</sup> respondent institute only on 25.05.2016 and as such, he had not completed his minimum tenure. Under such circumstances, we are of the view that the applicant herein

could be permitted to make a representation to the 2<sup>nd</sup> respondent regarding his grievance within a period of one week from today. On receipt of such representation, the 2<sup>nd</sup> respondent shall place the matter before the Transfer Committee and thereafter act in accordance with the recommendations of the Committee. A speaking order shall be passed within a period of four weeks from the date of receipt of the representation which shall be detailed and reasoned. We leave it to the Transfer Committee to decide whether the applicant should be heard in person.

7. At this stage, learned counsel for applicant submits that no substitute has been posted in place of the applicant at Coimbatore and seeks an interim order for the applicant to continue till the disposal of his representation. Since a prima facie case regarding tenure has been made out, the balance of convenience is in the applicant's favour. Accordingly, we deem it appropriate to allow the applicant to continue in the 6<sup>th</sup> respondent institute pending disposal of his representation notwithstanding the submission that he had been relieved w.e.f. 19.01.2019 which order shall be withdrawn.

8. OA is disposed of at the admission stage.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**30.01.2019**

SKSI