

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00066/2019 in & OA/310/00916/2018

Dated Monday the 11st day of February Two Thousand Nineteen

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

P.C.Pandey,
3/282, LIG Avas Vikas Parishad Yojana No. 3,
Junsi, Allahabad 211109.
Presently posted at,
618, Anna Salai,
Teynampet, Chennai 600018.

....Applicant/Applicant

By Advocate M/s. Chennai Law Firm

Vs

1.Comptroller General of Defence Accounts,
Office of the CGDA,
Ullan Batar Road,
Palam, Delhi Cantt 110010.

2.Controller of Defence Account (IDS),
130, Kashmiri House,
Rajaji Marg,
New Delhi 110001.

3.Joint Controller of Defence Accounts (ANC),
Buniyadabad,
Port Blair 744102.

....Respondents/Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

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

Heard. MA for advance hearing is allowed.

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

"1. To call for the records relating to the order No. Estt/X/10034/1/2017/TR-10 dated 16.02.2018, passed by the office of the first respondent and quash the same.

2. To retain me at my earlier place of posting ie Port Blair or allow me to exercise the choice of place of posting as per the Transfer policy,

3. To award costs, and pass such further and other orders as may be deemed and proper and thus render justice."

3. It is submitted that the applicant was aggrieved by the impugned order dt. 16.02.2018 by which he was transferred from Port Blair to Chennai. The applicant had completed his tenure in Port Blair which is considered a 'hard' station. According to the transfer policy, at the completion of tenure in a hard station, the employee is given a choice of three locations for being posted next.

4. The applicant did not exercise a choice for any location other than Port Blair itself where he wished to continue for some more time as his children were studying in the higher secondary classes and they had to complete their course. However, the respondents did not accommodate his request and posted him to Chennai by the impugned order.

5. The applicant has already joined at Chennai in compliance of the impugned order. Nevertheless, he now seeks a direction to the respondents to transfer him back to Port Blair as that was his only choice.

6. Learned counsel for the respondents would submit that the applicant had completed his tenure at the 'hard' station and he had no right to continue. He could be allowed to continue at the hard station in terms of para 32 of the transfer policy provided it was administratively feasible. However, the applicant was found to be in the habit of making unsubstantiated allegations against his superiors and it was not feasible to continue him at Port Blair.

7. On a specific query from the Bench, learned counsel for the applicant submits that the applicant's complaints were directed against the 3rd respondent who allegedly indulged in financial irregularities. However, he would admit that the applicant had no grievance against the 2nd respondent.

8. Under the above circumstances, we are of the view that this OA could be disposed of with permission to the applicant to make a fresh representation addressed to the 2nd respondent for transfer to a choice location within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent may decide the same in accordance with law and their transfer policy and pass a reasoned and speaking order within a period of two months thereafter.

9. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

11.02.2019

SKSI