

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CIRCUIT COURT AT PORT BLAIR

Original Application No. 351/01916/2018.

Date of Order: This, the 27<sup>th</sup> Day of March, 2019

**THE HON'BLE MS. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER**

Shri V Marimuthu  
Aged about 58 years  
S/o Shri Valathi  
Working as Lineman-cum-Meter Reader  
Electricity Department  
Presently posted as Bird Line Side Office  
R/o Dairy Farm, Port Blair

...Applicant

By Advocate: Ms.A.Nag

-Versus-

1. The Union of India  
Through the Ministry of Power  
Urja Bhawan, New Delhi-110 001.
2. The Ministry of Finance  
Through its Secretary  
North Block  
New Delhi- 110 001.
3. The Andaman & Nicobar Administration  
Through its Chief Secretary  
Andaman and Nicobar Islands  
Port Blair.
4. The Lieutenant Governor  
Raj Niwas  
Andaman & Nicobar Islands  
Port Blair.
5. The Chief Secretary  
Secretariat

Andaman & Nicobar Islands  
Port Blair.

6. The Secretary (Power)  
Andaman & Nicobar Administration  
Secretariat, Port Blair.
7. The Superintending Engineer  
Electricity Department  
Vidyut Bhavan, Port Blair.
8. The Assistant Director (Admn.)  
Department of Electricity  
Andaman & Nicobar Administration  
Port Blair.

... Respondents

By Advocate: Mr.N.A.Khan

**ORDER (ORAL)**

**MANJULA DAS, MEMBER (J):**

By this OA applicant makes a prayer to set aside and quash his transfer order no.1330 dated 05.10.2018 transferring him from Bird Line Site Office, EE (HQ) Division to Wimberlygunj Site Office, under Executive Engineer (SAD), Division.

2. We have heard Ms.Nag, learned counsel for the applicant and Mr.N.A.Khan, learned counsel for the respondents and perused the pleadings and materials placed on record.

3. The contention of the learned counsel for the applicant is that applicant has been transferred at the fag end

of his service. According to the learned counsel, applicant has left with only less than two year's time for his retirement. Learned counsel submits that if the said transfer order is allowed to be effected, it will seriously prejudice his post retirement settlement. Learned counsel has drawn our attention <sup>to</sup> Transfer guidelines notified vide Circular dated 30.07.2007 specifically to para 4(vi) of which stipulates as under:-

"As far as possible, officials having less than 2 years of service left shall be allowed a posting of his choice and should not be transferred from that post within that period unless there are compelling administrative exigencies."

4. On the other hand, learned counsel for the respondents submits that transfer is an incident of service and no guidelines have been violated in transferring the applicant as the transfer order has been issued in public interest.

5. Admittedly, applicant is aged about 58 years, as apparent from the verification. If that is so, his transfer from Bird Line Site Office, EE (HQ) Division to Wimberlygunj Site Office, under Executive Engineer (SAD), Division will cause prejudice to his settlement in post retirement life. The Hon'ble Gauhati High Court in the case of **Narayan Chowdhury vs. State of Tripura &**



**Others WP(C) No.239/1999** reported in **(2000) 1 GLR 519** held as under:-

"the petitioner is retiring towards the end of 2000 and he has to serve hardly one and half years, no practical purpose will be served by asking the writ petitioner to proceed to his place of posting just for a period of 5/6 months."

5. It is the policy of the Government of India that in case of an officer due to superannuation within 2 years, posting to station of choice shall be given due weightage. As quoted above, the official should not be transferred out within that period unless there are compelling administrative exigencies. There is an objective based on consideration of welfare behind such provision in the transfer policy as it would enable a person about to retire after a long and devoted service to make arrangements for settling down thereafter with his family; acquire a house, if not already done and to make necessary arrangement for his superannuated life.

6. For the reasons stated above, the transfer order no.1330 dated 05.10.2018 transferring the applicant from Bird Line Site Office, EE (HQ) Division to Wimberlygunj Site Office, under Executive Engineer (SAD), Division is bad in law, and accordingly, the same is set aside and quashed. Applicant

shall be allowed to retire from service from his present place of posting enabling him to settle down in his post retirement life.

7. The OA is allowed as above. There will be no order as to cost.

(DR.NANDITA CHATTERJEE)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

/BB/

