

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 2402/2018  
MA No. 963/2019 & MA No. 2658/2018  
The 03<sup>rd</sup> day of May, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

Kartik Dutt,  
Junior Administrative Assistant, Group 'C'  
Aged about 29 years,  
S/o Sh. Gopal Dutt,  
R/o H. No. 157A, VPO, Khera Khurd,  
Delhi-110082 -Applicant

(By Advocate: Shri M.K. Bhardwaj)

**Versus**

1. Union of India  
Through, Secretary,  
Ministry of Defence, South Block,  
New Delhi
2. The Engineer in Chief,  
E-in-C-Branch,  
Integrated HQ of MOD (Army)  
Kashmir House, Rajaji Marg,  
New Delhi-110011
3. The Director General (Pers.),  
E-in-C Branch,  
Integrated HQ of MOD (Army)  
Kashmir House, Rajaji Marg,  
New Delhi-110011
4. The Chief Engineer,  
Northern Command,  
C/o 56 APO  
Udhampur, J&K
5. The Chief Engineer,  
Headquarters,  
Western Command  
PIN 908543,

C/o 56 APO

6. The Chief Engineer,  
Delhi Zone,  
Delhi Cantt.-10

-Respondents

(By advocate: Shri Vijendra Singh)

**ORDER (ORAL)**

**By Shri V. Ajay Kumar, Member (J)**

The applicant, a Junior Administrative Assistant under the respondent-MES, filed the O.A. aggrieved by the Annexure A-1A transfer order dated 18.04.2018, transferring him from New Delhi to Kargil and also the Annexure A-I order dated 31.05.2018 wherein his representation against the transfer order is rejected.

2. Heard Shri M.K. Bhardwaj, the learned counsel for the applicant and Shri Vijendra Singh, the learned counsel for respondents and perused the pleadings on record.

3. It is submitted that the applicant's wife is working as Constable in Delhi Police and as per DoPT OM dated 30.09.2009 as well as posting policy of the respondents that if husband and wife are Govt. employees, they may be posted at the same station, but the respondents against the said policy have transferred the applicant to Kargil.

4. On the other hand, learned counsel for respondents while submitting that the transfer of a public servant is an incident of service, which should not be interfered by any Court. Learned counsel further submits that the applicant was already relieved on 24.04.2019. He also submits that representation of the applicant was duly considered by the Competent Authority, however, in view of the administrative exigencies, the same was not acceded to and hence the O.A. may be dismissed.

5. As rightly submitted by the learned counsel for the respondents, the transfer of a public servant is an incident of service and no public servant can insist that he/she should be posted in a particular place or for a particular period. However the respondent authority have to consider the difficulties of the employees, in terms of transfer policy/guidelines while posting him at a particular place, however subject to public interest and administrative exigencies. Since the applicant was already relieved from Delhi, he shall join at the new place of posting on or before 10.05.2019. After joining as such, he may make a fresh representation ventilating his grievances to the respondents and on receipt of such a representation from the applicant, the respondents may consider the same, in accordance with law, at the appropriate time.

6. The O.A. is accordingly, disposed of with the above direction. Pending M.As. if any, also stand disposed of. No costs.

**(ARADHANA JOHRI)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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