

**Central Administrative Tribunal
Principal Bench**

OA No.1211/2019

New Delhi, this the 15th day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sujit Kumar, [NSO (ILMSv2)-WH-III]
Age 35 years, Group 'A',
S/o Shri Ram Subhag Singh
R/o Room No.511, Tagore Road Hostel,
Minto Road,
New Delhi 110 002.

.... Applicant.

(By Advocate : Shri Abid Ali Beeran P with Shri Sarath S.
Janardanan)

Vs.

1. Union of India
Ministry of Defence
Through its Secretary
South Block, Rajpath,
New Delhi 110 011.
2. Captain (ILMSv2)
Directorate of Logistic Support ILMSv2,
Room No.411-A, 'C' Wing
Integrated Headquarters,
Ministry of Defence (Navy)
Sena Bhawan
New Delhi 110 011.
3. Captain (Civilian Personnel)
Directorate of Civil Personnel
Integrated Head Quarters,
Ministry of Defence (Navy)
Room No.100, Talkatora Annex Building,
Talkatora Stadium,
New Delhi 110 001.

.... Respondents.

(By Advocate : Shri R. S. Rana)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Naval Store Officer (NSO). Till 06.03.2019, he was stationed at an establishment in Delhi. Through an order of that date, he was transferred to Material Organisation at Port Blair. It was followed by an order dated 09.04.2019, through which, he was relieved from duties, at Delhi.

2. The applicant submitted a representation dated 27.03.2019 to the respondents raising certain objections to the transfer. He pleaded that though the project ILMSv2 (Warehousing Module) is almost complete in two phases, his continuance at the same place as regards the future phases would be beneficial to the organisation. The second plea is that he holds the post of NSO whereas he is being transferred to Port Blair where no equivalent post is available. The applicant further stated that the order is silent as to the tenure up to which, he has to work at Port Blair. A mention was also made to certain policy guidelines whereunder it is said to have been decided that no team member will be transferred till the completion of the project.

3. This OA is filed seeking a direction to the respondents not to take further steps till the representation dated

27.03.2019 is considered by the respondents and appropriate orders are passed thereon.

4. We heard Shri Abid Ali Beeran P. With Mr. Sarath S. Janardanan, learned counsel for the applicant and Shri R. S. Rana, learned counsel for the respondents.

5. The applicant no doubt, mentioned various reasons in the representation. We, however, are of the view that the order of transfer cannot be stalled till consideration of the same. For example, the plea that the post of NSO is not available at Port Blair cannot be a factor as long as emoluments and status of the applicant is preserved. Similarly, the mention about the tenure at Port Blair and other related places is a requirement in the order of appointment and not of transfer. Even otherwise, the respondents are under obligation to honour the contents of the departmental guidelines issued in this behalf.

6. Another contention advanced by the applicant is that there is a ban on transfer of the employees in view of the election code. The order in this behalf was issued on 15.03.2019 whereas the order of transfer of the applicant was passed on 06.03.2019. We do not find any merit in the OA, particularly when the applicant has already been

relieved from the existing place. The OA is accordingly dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/