

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.628/2019

Tuesday, this the 26<sup>th</sup> day of February 2019

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

Raj Pal Chopra  
s/o Darshan Lal Chopra  
r/o E-44 1<sup>st</sup> Floor,  
Moti Nagar  
Ramesh Nagar HO, West Delhi  
Delhi – 110 015  
Employed as:  
Executive Engineer (Electrical), CPWD  
Group A  
Age 58 years

..Applicant

(Mr. Sudhir Naagar, Advocate)

Versus

1. Union of India through Secretary  
Ministry of Housing & Urban Affairs  
Nirman Bhawan, New Delhi
2. Central Public Works Department  
Through its Director General  
Nirman Bhawan, New Delhi
3. Deputy Director (Admin-II)  
General Section, CPWD  
Nirman Bhawan, New Delhi

..Respondents

(Mr. Manjeet Singh Reen, Advocate)

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant is working as Executive Engineer (Electrical) in the Central Public Works Department (CPWD). At present, he is posted at Delhi. Through an order dated 15.01.2019,

he is transferred against a vacancy at Palakkad Project Electrical Division, Palakkad, Kerala. The same is challenged in the instant O.A.

2. The applicant contends that his wife is working in a Central Government establishment at Delhi and that he is due to retire on 31.03.2021. It is also stated that he has not been given the option to choose the three stations against existing vacancies, as provided under the Rules. Other grounds are also urged.

3. When the O.A. was listed for admission on 21.02.2019, we directed the learned counsel for respondents to obtain instructions in the matter.

4. We heard Mr. Sudhir Naagar, learned counsel for applicant and Mr. Manjeet Singh Reen, learned counsel for respondents.

5. This is not a case in which the transfer is ordered on disciplinary grounds. As many as fourteen Executive Engineers were transferred from one place to another. The guidelines framed by the Department provide for preparation of a list of the places where the concerned posts are vacant or available and the employee, due for transfer, is given option to choose three such places, so that he can be transferred to one of them. Such an exercise was not undertaken in the case of the applicant. Though several other grounds are urged, we are not impressed by them.

The interest of the Department cannot be made subservient to the requirement or comforts of the employee.

6. We, therefore, dispose of the O.A. directing that:
- (a) within week one from today, the respondents shall furnish a list of places where the posts of Executive Engineer (Electrical) are vacant or are available;
  - (b) within three days from the date of furnishing of list, the applicant shall choose three of such places.
  - (c) within one week from that date, the respondents shall pass order transferring the applicant to one of three places chosen by him.
  - (d) within two weeks therefrom, the applicant shall be under obligation to join place, to which he is transferred.
7. The impugned order of transfer shall stand modified to the extent, as indicated above, insofar as it relates to the applicant.

There shall be no order as to costs.

Order **dasti**.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 26, 2019**  
**/sunil/**