

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3736/2017

Monday, this the 11th day of March 2019

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

Shri G D Kukreti (Group B post)
s/o Sh. N D Kukreti
aged about 58 years
r/o D-119A, Lajpat Nagar, Sahibabad
Distt. Ghaziabad (UP) and
Working as Chemist Grade I in
Quality Control Laboratory
FNB (NR) 10/11, Jamnagar House, New Delhi

..Applicant

(Mr. S S Tiwari, Advocate)

Versus

1. Union of India through its Secretary
Ministry of Women and Child Development
6th floor, Wing A, Shastri Bhawan
New Delhi
2. Joint Secretary (Food & Nutrition Board)
M/o Women and Child Development
6th Floor, Wing A, Shastri Bhawan
New Delhi
3. Director (Food & Nutrition Board)
M/o Women and Child Development
6th Floor, Wing A, Shastri Bhawan
New Delhi
4. Under Secretary (FNB)
M/o Women and Child Development
3rd Floor, Jeevan Vihar Building
Parliament Street, New Delhi – 1
5. Joint Technical Advisor, (FNB) (Head Quarters)
M/o Women and Child Development
3rd Floor, Jeevan Vihar Building
Parliament Street, New Delhi – 1

..Respondents

(Mr. Rajeev Kumar, Advocate)

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

The applicant was working as Chemist Grade I in the Community Food & Nutrition Extension Unit (CFNEU), Lucknow. Through an order dated 31.07.2017, he was transferred to Regional Office (WR), Mumbai. It was challenged by the applicant in O.A. No.2870/2017. The O.A. was disposed of through an order dated 01.09.2017, leaving it open to the applicant to make a representation and the respondents were directed to pass order thereon. The applicant has since made representation to the respondents and through an order dated 06.10.2017, it was rejected. The same, together with the order of transfer, is challenged in the instant O.A.

2. The applicant contends that though he has been working at Delhi, it has been shown in the order of transfer that he is working at Lucknow, and that the order of transfer is contrary to several guidelines issued by the Government in this behalf. He further stated that he is due to retire on 30.04.2019 and though he was entitled to remain at a place of his choice two years before retirement, the same was not taken into account.

3. We heard Mr. S S Tiwari, learned counsel for applicant and Mr. Rajeev Kumar, learned counsel for respondents.

4. No counter affidavit has been filed by the respondents so far.

5. It appears that the applicant was transferred from Delhi to Lucknow on promotion and on reversion from that post he has been once again posted at Delhi. However, ignoring this fact, it was mentioned in the impugned order that the applicant has been transferred from Lucknow to Mumbai. This, however, is inconsequential at this stage.

6. It is not in dispute that the applicant is due to retire from service on 30.04.2019. This Tribunal passed an interim order way back on 27.10.2017. Even the respondents did not feel the necessity of filing Application to vacate the interim order. Now that the applicant is working at Delhi uninterruptedly since 2017, there is no point in disturbing him, one month before his retirement.

7. Accordingly, the O.A. is disposed of directing the respondents to continue the applicant at the present station till he retires from service. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 11, 2019
/sunil/