

**Central Administrative Tribunal
Principal Bench**

OA No.1262/2019

New Delhi, this the 24th day of April, 2019

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

R. R. Bharati
Aged about 58 years,
Working as Dy. Director, SAI,
Group 'A'
S/o Shri B. P. Yadav,
R/o 511, Hawa Singh Block,
Asian Games Village,
Siri Fort, New Delhi 110 049. Applicant.

(By Advocate : Shri Yogesh Kumar Mahur with Shri Harkesh Parashar)

Vs.

1. Union of India through its Secretary
Ministry of Youth Affair & Sports,
(Department of Sports)
Shastri Bhawan,
New Delhi.
2. Director General
Sports Authority of India (SAI)
J. N. Stadium Complex,
East Gate No.10, Lodhi Road,
New Delhi 110 003.
3. Director
Personnel & Coaching
Sports Authority of India (SAI)
J. N. Stadium Complex,
East Gate No.10, Lodhi Road,
New Delhi 110 003. Respondents.

(By Advocates : Ms. Geetanjali Sharma)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is working as Deputy Director (Legal & Administration) in the Sports Authority of India, i.e., 2nd respondent herein. He is now stationed at Head Office Delhi. Through an order dated 01.04.2019, the applicant was transferred to SAI Regional Centre, Lucknow. The same is challenged in this OA.

2. The applicant contends that his left over service is less than two years and as per the guidelines issued by the Government of India in their Memorandum dated 16.07.2015, such of the employees who are having less than two years of left over service are exempted from rotational transfers and still the impugned order is passed. It is also stated that the applicant and his wife are facing health problems and requiring them to move to Lucknow at this stage would lead to hardship. Other contentions are also urged.

3. Learned counsel for the applicant has placed reliance upon an order dated 22.03.2013 in OA No.2533/2012 ***Ram Swaroop Meena vs. Union of India and Anr.***

4. At the stage of admission, Ms. Geetanjali Sharma, learned standing counsel obtained instructions from the

department. It is stated that the necessity to shift the applicant to Lucknow arose on account of submission of a complaint by a women contractual employee, alleging acts of sexual harassment. It is also stated that ever since his appointment in the service, the applicant is working in Delhi alone and no prejudice would be caused to him if he is shifted to Lucknow. She contends that the guidelines are subject to administrative convenience.

5. We heard Shri Yogesh Kumar Mahur, learned counsel for the applicant and Ms. Geetanjali Sharma, learned standing counsel for the respondents.

6. The order of transfer does not mention the circumstances under which the applicant had to be transferred. Along-with applicant other officers were also transferred.

7. It is true that the Government of India issued guidelines in relation to transfers indicating *inter alia* that the officers who have left over service of less than two years shall not be shifted to other places. However, there are also guidelines contained in the OM dated 02.07.2015 which are to the effect that the minimum and maximum tenure of an employee must be stipulated, and any transfer before completing the minimum prescribed tenure of stay, or stay

beyond the maximum tenure shall be only with the approval of the competent authority.

8. In the instant case, the applicant is at the same station ever since he joined the service. When his present stay is itself in violation of the guidelines, he cannot fall back upon another guideline. At the same time, he can make a request to transfer him back to Delhi by January, 2020 so that he can arrange his pre retirement affairs at Delhi, in the next year.

9. We, therefore, dispose of the OA refusing to interfere with the order of transfer but directing that in case the applicant makes a request, the respondents shall consider the feasibility of transferring back to him to an establishment at Delhi by January, 2020. This shall be subject to the applicant reporting to duty at SAI Regional Centre, Lucknow, within a period of 15 days from today. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/