

**Central Administrative Tribunal
Principal Bench**

OA No.1287/2019

New Delhi, this the 25th day of April, 2019

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

Mukesh Kumar Meena
Aged about 52 years,
Junior Engineer, Group 'B',
S/o Shri Ram Charan,
R/o D-4/4236, Vasant Kunj,
New Delhi. Applicant.

(By Advocate : Shri M. K. Bhardwaj)

Vs.

1. South Delhi Municipal Corporation
Through its Commissioner
19th Level, E-Block,
Dr. S. P. M. Civic Centre,
JLN Marg, New Delhi 110 002.
2. The Additional Commissioner (Estt.)
19th Level, E-Block,
Dr. S. P. M. Civic Centre,
JLN Marg, New Delhi 110 002.
3. The Dy. Commissioner
South Delhi Municipal Corporation,
Green Park, New Delhi. Respondents.

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is working as a Junior Engineer in South Delhi Municipal Corporation (SDMC). Through an order dated 28.09.2018, he was transferred from the office of EE (Bldg-I)/South Zone to EE (Bldg-II)/Central Zone. The applicant filed OA No.3818/2018 challenging the

same. The said OA was disposed of at the admission stage itself, by directing that the respondents shall pass a reasoned order on the representation submitted by the applicant. In his representation, the applicant pleaded that he was posted in the office of South Zone just six months ago, and that he is entitled to remain at that place till he completes the tenure of three years. The grounds of discrimination are also pleaded.

2. Through an order dated 01.04.2019, the Corporation rejected the representation of the applicant. It is stated that the transfer of the applicant was warranted on administrative grounds and that no hardship would be caused to him. The same is challenged in this OA.

3. We heard Shri M. K. Bhardwaj, learned counsel for the applicant at the stage of admission.

4. The fixation of tenure of an employee to remain at a particular place in the context of transfer, is keeping in view the necessity to shift the residence and to move to a new place altogether. Where the different offices are located in the same place and shifting/transferring an employee from one such unit to another does not warrant or necessitate the change of residence, the usual guidelines prescribed for transfer hardly become relevant.

5. Howsoever desirable it may be, to ensure that the employee remains at a particular place for a stipulated term even in establishments like Municipal Corporations, the administrative exigencies cannot be ignored.

6. It may be true that the applicant was posted at the office at South Zone six months before his present transfer. The fact, however, remains that the transfer to a place within the limits of Corporation, i.e., Central Zone, does not cause any inconvenience or hardship at all, to him. The nature of duties to be discharged by a Junior Engineer are one and the same, whatever be the Unit. Added to that, the respondents have stated that the order of transfer is warranted on administrative grounds. More and more the applicant insists on his continuance in a particular office, the inference becomes stronger in the other direction; particularly when he is not put to any physical inconvenience on account of transfer.

7. We do not find any basis to interfere with the order of transfer. The OA is accordingly dismissed.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/