

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00616/2019

DATED THIS THE 13th DAY OF AUGUST 2019

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Ashok Kumar, 59 years,
S/o Late A.Raghava Poojary,
No.23 Mangala Gateway Apartments,
Mangala Devi Temple Road,
Mangalore – 575 001 Applicant

(By Paanchajanya Associates...Advocate)

V/s.

1.The Commissioner,
Central Provident Fund Commissioner,
Bhavishya Nidhi Bhavan
No.14, Bhikaji Cama Place,
New Delhi – 110 066.

2.The Commissioner,
Additional Central Provident Fund
Zonal office,
Karnataka and Goa State
“Kaveri” Bhavishya Nidhi Enclave,
HMT Main road Jalahalli,
Bangalore – 560 013

3.The Regional Provident Fund
Commissioner, I,
Bhavishya Nidhi Bhavan,
Highlands Silva Road,
Mangalore – 575 002Respondents

(By Smt. Shweta Anand Advocate)

ORDER (ORAL)HON'BLE DR. K.B. SURESH, MEMBER (J):

1. Heard. Learned counsel for the respondents submits that under Rule 11 it says that any Government employee can be transferred at any time to any place in India. But then after following hundreds of Hon'ble Apex Court judgements in this regard, it is well settled that in the fag end of the career a person cannot be transferred out to his disadvantage. The idea behind is that any government servant has fundamental right to settle his affairs and keep it in order before his superannuation that is why he is given an advantageous transfer if he requires it or he is not permitted to be transferred out if disadvantageous to him. Applicant herein has about one year to retire. Therefore, without any doubt such persons cannot be transferred out. Transfer order is hereby quashed.
2. OA is allowed. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicant in OA No.616/2019

Annexure A1 : Copy of OO dated 25.4.2019

Annexure A2 : Copy of OO Dtd. 27.5.2019

Annexure A3 :Copy of impugned order Dtd. 28.5.2019

Annexure A4 : Copy of order dated 6.1.2016

Annexure A5 : Copy of order dated 19.3.2018

Annexure A6:Copy of order dated 16.1.2018

Annexure A7 :Copy of order dated 11.4.2012

Annexure A8 : Copy of the communication dated 25.6.2018

Annexure A9 : Copy of interim order

Annexure A10 series : Copies of interim orders

Annexure referred to by the Respondents in the reply

Annexure R1: Copy of letter dated 31.5.2001

Annexure R2: Copy of CAT, Bangalore order in OA No. 665-691/2017 dated 9.5.2018

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