



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00594/2016

Date of order : 26.4.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

SUDARSHAN BARAIK

VS

UNION OF INDIA & ORS.

For the applicant : Ms. M.Saha, counsel

For the respondents : Mr.B.B.Chatterjee, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. The applicant is aggrieved as he is being transferred from CQA (SA) Ishapore to SQAE (SA) Kanpur pending consideration of his representation dated 10.12.15 to the Additional Director General of Quality Assurance (Armaments) for consideration of retention at the same station as per a new rotational policy on educational ground of children.

3. The applicant had contended in his representation that his son Kumar Susant Baraik is presently studying in Class IX and will go in Class X from April 2016. His registration for appearing Class X Board Examination has already been made by Kendriya Vidyalaya No. I, Ishapore. The position of the son is in a very crucial stage and would require his stay for his smooth academic progress. Despite such a request, on 31.5.16 the applicant has been transferred under rotational transfer policy to be released on or before 17.5.16.

4. Attention is drawn to the rotational transfer policy of JTOs, Technical/Scientific Staff for DGQA Organisation circulated on 20.5.11 which specifies as under :

"An employee having his son/daughter in Class X, XI or XII may be considered on request, for retention at the same station. The retention in a station will be considered for a maximum period of two years. An employee however, may opt for premature transfer in case he/she anticipates retention beyond two years on account of education of more than one son/daughter."

5. Since the applicant did not opt for premature transfer and had earlier opted in 2013 for smooth education of his daughter, the respondents have strongly objected to consideration of his prayer.
6. Counsels were heard and the materials on record perused.
7. In view of the fact that the applicant has sought for retention till his son completes his Xth standard and appears at Board Examination, which request has not been turned down citing reasons, the respondents are directed to retain him till such examination is over. They may obtain an undertaking from the employee not to ask for any further retention beyond such period.
8. Accordingly the OA would stand disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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