

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**Original Application No.020/1264/2018
Date of Order : 16.10.2019**

Between :

Bonela Ramakrishna Mohan,
S/o Late Bonela Dalayya,
Aged 58 years, working as LDC,
Yjawahar Navodaya Vidyalaya,
Kiltampalem – 535 145,
Vizianagaram District, Andhra Pradesh. ... Applicant.

And

1. Union of India, Rep. by its Chairman,
Navodaya Vidyalaya Samithi,
A-28, Kailash Colony,
New Delhi – 110 048.

2. The Commissioner,
Navodaya Vidyalaya Samithi,
B-15, Institutional Area,
Sector – 62, Noida – 201 307,
Gaoutam Budha Nagar, Uttar Pradesh.

3. The Deputy Commissioner (HR),
Navodaya Vidyalaya Samithi,
Hyderabad Region, Nalagandla Road,
Gopanpally, Rangareddy District,
Hyderabad – 500 017, Telangana State.

4. Sri Sudhakara Rao Marumalla,
Working as LDC in Jawahar Navodaya Vidyalaya,
Vennelavalasa, Sarubujjili Mandal – 532 458,
Srikakulam District, Andhra Pradesh.

5. Smt.Toleti Suneetha, Working as LDC,
Jawahar Navodaya Vidyalaya,
Vennelavalasa Sarubujjili Mandal – 532 458,
Srikakulam District, Andhra Pradesh. ... Respondents.

Counsel for the Applicant ... Mr.T.P.Acharya, Advocate
Counsel for the Respondents ... Mr.N.Srinatha Rao, SC for NVS

CORAM:

Hon'ble Mr.B.V.Sudhakar ... ***Member (Admn.)***

ORAL ORDER

{As per Hon'ble Mr.B.V.Sudhakar, Member (Admn.)}

The OA has been filed against the transfer of the applicant from Vizianagaram to Srikakulam.

2. Brief facts of the case are that the applicant is working as LDC in the respondents organization and is due to retire on 31.01.2020. Applicant was transferred vide impugned order dated 28.11.2018 from Vizianagaram to Srikakulam. The applicant represented to retain him at Vizianagaram, since he is going to retire within less than two years, his wife is a State Government employee and he is suffering from chronic diabetes. Aggrieved over the transfer, applicant has approached this Tribunal and an interim order was issued on 01.01.2019 directing the respondents to maintain status-quo in respect of the transfer of the applicant.

3. The contention of the applicant is that he has been transferred though he has less than two years to retire, which indeed is contrary to transfer policy guidelines. The wife of the applicant is a State Government employee and

therefore, even on spouse grounds, his retention has to be considered. Besides he is suffering from chronic diabetes which requires humanitarian consideration. Applicant has also cited the judgement in OA.697/2015 dated 21.09.2015 in support of his contention wherein similar transfer order was quashed by this Tribunal and later the order of the Tribunal was also confirmed by the Hon'ble High Court in W.P.No.36639/2015. Applicant claims that he is similarly placed.

4. Heard Mr.T.P.Acharya, learned counsel for the applicant and Mr.N.Srinatha Rao, learned standing counsel for the respondents.

6. Learned counsel for the applicant submitted that the applicant is retiring in January 2020, which is only just three months away. Besides as per the transfer guidelines employees are not supposed to be transferred within two years of retirement. Applicant's wife is a State Government employee and applicant is also not keeping good health. In view of the said circumstances, learned counsel for the applicant vehemently submits that retention of the applicant at Vizianagaram need to be considered favourably.

6. Learned counsel for the respondents has submitted that the applicant is retiring in January 2020 and that the interim order staying the transfer is in vogue.

7. After hearing learned counsel on both sides, it is obvious that the organizational interest would not be served by transferring the applicant to Srikakulam, at this juncture of time, when only three months left for

superannuation. In fact it would entail expenditure in regard to T.A. and other allowances. Besides applicant is not keeping good health and his wife is working in the State Government at Vizianagaram. In view of the above, it would therefore be appropriate and apt to direct the respondents to examine retaining the applicant at Vizianagaram till his retirement as it would take some time for any employee to settle down in a new arrangement. Respondents may accordingly examine and issue an appropriate order in regard to the transfer in 10 weeks from the date of receipt of this order, by keeping in view the Transfer Policy of the respondents organization.

8. With the above direction OA is disposed of. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER (ADMN.)

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