

**Central Administrative Tribunal
Principal Bench**

OA No.3244/2019

New Delhi, this the 8th day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Janardan Swarup, Group 'B',
Aged 58 years,
S/o Shri J.P. Singhal
Working as Assistant Engineer,
Central Construction Wing (AIR),
IP Estate, 14B, Ring Road,
New Delhi-2
R/o 4/56, Chiranjeev Vihar,
Ghaziabad, UP.

...Applicant

(By Advocate : Shri Padma Kumar S.)

Versus

1. Prasar Bharti Corporation,
Through its
Director General,
All India Radio
CGO Complex, Lodhi Road,
New Delhi-110003.
2. The Chief Engineer,
Civil Construction Wing (AIR),
6th Floor, Soochna Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.
3. Superintending Engineer,
Civil Construction Wing (AIR),
6th Floor, Soochna Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

...Respondents

(By Advocate : Shri S.M. Arif)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is holding the substantive post of Assistant Engineer (E) in the All India Radio and is kept on look after charge of the post of Executive Engineer (E). Through order dated 09.08.2019, the competent authority transferred him to a Station at Patna. Challenging the order of transfer, the applicant filed OA No.2392/2019. The principal ground pleaded by him was that his left over service is less than two years and if he is transferred to a distant place like Patna, he would face serious difficulties. The OA was disposed of on 16.08.2019, directing the respondents to consider the representation made by the applicant.

2. On a consideration of the representation, the respondents passed an order dated 31.10.2019. The request of the applicant was rejected, by stating that there are no clear vacancies in the post of Executive Engineer (E) at Delhi and the transfer of the applicant to Patna became inevitable. The same is challenged in the OA.

3. We heard Shri Padma Kumar S., learned counsel for applicant and Shri S.M. Arif, learned counsel for respondents.

4. The applicant opposed the transfer mainly on the ground that his left over service is less than two years. The guidelines framed by the Government in the matter of transfer provide for retention of an employee, in the place of his choice, three years before his retirement. That again is subject to several contingencies. As of now, the applicant is holding the post of Executive Engineer (E), on look after charge, at Delhi. He cannot insist on being posted in Delhi, particularly, when the regular incumbents are posted.

5. The record discloses that the applicant is likely to be promoted in the month of June/July, 2020 to the post of Executive Engineer (E). We are of the view that as and when he is promoted, his case can be considered on a priority basis, for posting against the vacancy of Executive Engineer (E), at Delhi.

6. We, therefore, dispose of the OA, directing that :-

a) the applicant shall report to duty at Patna, within 10 days from today.

(b) as and when the applicant is promoted to the post of Executive Engineer (E), his case for posting against the vacancy in Delhi, shall be considered, on priority basis.

There shall be no orders as to costs.

(Aradhana Johri)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

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