
(2021) 04 CAT CK 0058
In the Central Administrative Tribunal
Case No : Original Application No. 850 Of 2021

Kiran Chadha

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 16-04-2021

Acts Referred:

Citation : (2021) 04 CAT CK 0058

Hon'ble Judges : L. Narasimha Reddy, J; Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : Setu Niket, Ashok Kumar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Assistant (Architecture Department) in Central Public Works Department (CPWD). Through an order dated

05.03.2020, the department transferred nearly 50 employees to different places, as a result of reorganization of the department. Earlier the applicant

filed OA No. 387/2021 before this Tribunal. It was pleaded that she is suffering from serious problems and her husband is also working in Delhi

Police. She has also made a representation to the respondents, narrating her grievances. The OA was disposed of on 19.02.2021, directing the

respondents to pass a speaking order on the representation of the applicant. Accordingly, the respondents passed an order dated 12.03.2021, rejecting

the plea of the applicant. This OA is filed challenging the order dated 12.03.2021.

2. The applicant contends that there are several factors that enable her to be retained at Delhi. She contends that the Government Hospital has

certified her to be having suicidal tendency and according to the policy of the

Government, persons with such tendency are to be exempted from transfer. Another plea of the applicant is that her husband is working at Delhi and she has to remain alone at Lucknow without any family support.

The third ground is that due to Covid -19 pandemic, the Government had issued instructions dealing with transfer of such employees.

3. We heard Mr. Setu Niket, learned counsel for the applicant and Mr. Ashok Kumar, learned counsel for the respondents, at the stage of admission.

4. This is the 2nd second round of litigation by the applicant in the context of transfer. We verified from the learned counsel for the applicant as to

which places the applicant has served during her career of almost 30 years. The answer is that from the beginning, she is in Delhi only and twice she

refused promotion to remain at Delhi. The applicant would have been in a very senior position in the CPWD, had she accepted the promotions. The

applicant seems to be determined to remain at Delhi, at any cost.

5. In public service, we cannot accommodate such retentions or requests forever. The CPWD is an All India Service and the employees thereof are

required to serve at different places. The very fact that the applicant remained at Delhi throughout her service, spread over to nearly 30 years, shows

the extent to which, the department has accommodated her. No employee can place his/her personal matters above those of the service.

6. The health ground pleaded by the applicant is not supported by the relevant documents. As a matter of fact, when an employee is suffering from

serious ailments, the respondents have accommodated the SI.No.1 and 6 others in the order of transfer. The plea that the applicant's husband is

working in Delhi Police cannot be accepted. Once the applicant remained at Delhi for almost 3 decades, she cannot insist upon her retention at Delhi

on the ground of the working of her spouse. The respondents have also indicated the parameters for transfer in Covid-19 situation.

7. We do not find any merit in the OA and the same is accordingly dismissed. The applicant is granted 3 weeks' time to report to duty at the new

place. There shall be no order as to costs.