
(2021) 02 CAT CK 0109

In the Central Administrative Tribunal

Case No : Original Application No. 387 Of 2021

Kiran Chadha, Assistant (A.D), Group (c)

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 19-02-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2021) 02 CAT CK 0109

Hon'ble Judges : A. K. Bishnoi, Member (A); R.N. Singh, J

Bench : Division Bench

Advocate : M.K. Bhardwaj, G.S. Virk

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. The applicant who is working as Assistant (Group `C' post) in the Architect department of the respondents, has filed the present OA under section 19 of the Administrative Tribunals Act 1985 to challenge the orders dated 05.03.2020 and 28.04.2020 vide which she has been transferred by the respondents from Delhi to Lucknow.

2. Learned counsel for the applicant submits that earlier in the year 2016, the applicant though was due for transfer, however, has been retained in Delhi on account of her medical condition. Learned counsel for the applicant argues that the applicant's medical condition remains the same even as on date. He further adds that the respondents have issued circular dated 11.05.2020 (Annexure A-12) vide which it has been provided that during the ongoing COVID-19 pandemic, till April 2021, nobody will be transferred in routine manner.

3. The applicant is stated to have made representation dated 28.09.2020 (Annexure A-13) requesting therein for her retention in Delhi keeping in view her medical condition as well as the circular dated 11.05.2020 of the respondents.

Shri Bhardwaj, learned counsel for the applicant argues that though the applicant's aforesaid representation is still pending, however, she has come to know that the respondents are likely to relieve her even without considering her representation.

4. Issue notice. Shri G.S. Virk, learned senior Central Government Standing Counsel, who appears for respondents on advance service, accepts notice.

5. At this stage, Shri Bhardwaj, learned counsel for the applicant submits that the applicant will be satisfied if the present OA is disposed of with a direction to the respondents to consider the applicant's aforesaid representation and to dispose of the same by passing a reasoned and speaking order and till then, not to give effect to the impugned transfer order. He submits that though the respondents did not feel any need to transfer the applicant for last about 11-12 months, no prejudice is likely to be caused if she is retained at Delhi till such time a final decision is taken by the respondents on the applicant's aforesaid representation.

6. We have heard the learned counsels for the parties and also perused the pleadings on record.

7. In the facts and circumstances, without going into the merits of the claim of the applicant, the present OA is disposed of with a direction to the respondents to consider the applicant's aforesaid representation dated 28.09.2020 (Annexure A-13) and to dispose of the same (if not decided till date) by passing a reasoned and speaking order as expeditiously as possible and in any case, within four weeks from the date of receipt of a copy of this order. However, in the facts and circumstances, it is ordered that till passing of such an order, the respondents shall not give effect to the aforesaid transfer order qua the applicant in the instant OA. No costs.