
(2022) 08 UK CK 0091

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 449 Of 2022

Kiran Devi

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 22-08-2022

Acts Referred:

Citation : (2022) 08 UK CK 0091

Hon'ble Judges : Vipin Sanghi, CJ;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : Tanuj Semwal, V.K. Kaparuwan

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The present writ petition has been lying under defect since 02.08.2022. Matter has been listed before the Court since defects have not been removed.

2) The petitioner has assailed the order dated 12.07.2022, passed by the Central Administrative Tribunal, Allahabad, in O.A. No. 568 / 2022 (Nainital). By the impugned order the learned CAT has rejected the prayer for interim relief made by the petitioner while posting the matter on 15.09.2022. The petitioner had preferred the said Original Application to challenge her transfer from C.W.E., Dehradun to AGE(I)(AF) Memaura, Lucknow.

3) We have perused the impugned order and heard leaned counsel for the petitioner.

4) The Tribunal has recorded that the petitioner has served for more than 30 years out of her total service of 33 plus years in Dehradun. The other ground taken by the petitioner with regard to the number of persons posted at Dehradun has also been taken into consideration, and it is observed that the satisfaction level is 200 per cent in the entire Dehradun complex as a whole, therefore, there is over staffing in Dehradun. The ground taken by the petitioner with regard to

her husband's posting has also been considered as he is not working in the same department, i.e., M.E.S., and is working outside in some other Central Government organization. The respondents have already explored the possibility of retaining the petitioner at the present Station before taking the decision to transfer her. Grant of interim relief in case like the present to the petitioner by the Tribunal would have tantamounted to grant of the final relief in the Original Application. Despite the petitioner having been relieved from the present posting, learned counsel for the petitioner states that she has still not joined at the transferred post even though more than five months have elapsed. Such conduct of the petitioner cannot be countenanced, neither on merits, nor on equity. We are not inclined to interfere with the impugned order. It shall be open to the respondents to take appropriate action against the petitioner for non-complying with the transfer order, despite there being no stay granted by the Tribunal or by this Court.

5) The writ petition stands dismissed accordingly.

Interim Relief Application (IA No. 01 of 2022) also stands disposed of.