

(2022) 06 KL CK 0016

In the High Court Of Kerala

Case No : Original Petition (CAT) No. 31 Of 2022

Manju M

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 02-06-2022

Acts Referred:

Citation : (2022) 06 KL CK 0016

Hon'ble Judges : A.K.Jayasankaran Nambiar, J; Mohammed Nias C.P., J

Bench : Division Bench

Advocate : Kala T.Gopi, B.Namadeva Prabhu, Nishitha Balachandran, T.C.Govindaswamy, Vinu T.V.

Final Decision : Dismissed

Judgement

A.K.Jayasankaran Nambiar, J.

1. After arguing the matter sometime, the learned counsel for the petitioner seeks permission to withdraw the OP(CAT) without prejudice to the right of the petitioner to take up all contentions regarding the illegality of the transfer before the Central Administrative Tribunal, where O.A.No.239 of 2022 is pending. We grant the request of the learned counsel and dismiss the OP(CAT) as withdrawn subject to the right reserved above.

2. The learned counsel, however, apprehends that the respondents may initiate disciplinary proceedings against the petitioner for noncompliance with the transfer order during the time when she was agitating the matter before the Tribunal and this Court. Taking note of the apprehension of the learned counsel for the petitioner, we make it clear that if the petitioner reports for duty at the transferred station (Ernakulam) on 06.06.2022, then on a request being preferred by her for a weeks leave for the purposes of making arrangements for the stay of her family in Ernakulam, the respondents shall sanction the said leave so that the petitioner can make the arrangements aforesaid and rejoin duty at Ernakulam on 13.06.2022. It is further made clear that no disciplinary

proceedings shall be initiated or continued against the petitioner for the above absence, so long as she rejoins duty on 13.06.2022.

Save for the above direction, the OP(CAT) is otherwise dismissed as withdrawn.