
(2021) 05 CAT CK 0016

In the Central Administrative Tribunal

Case No : Original Application No. 726 Of 2021, Miscellaneous Application No. 1270 Of 2021

Meena Matai, Assistant (A.D), Group (C)

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 21-05-2021

Acts Referred:

Citation : (2021) 05 CAT CK 0016

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

Bench : Division Bench

Advocate : Gaurav Puri, HanuBhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Assistant in the Central Public Works Department (CPWD). Through an order dated 05.03.2020, she was transferred

to an office at Chandigarh, as a result of restructuring of the department. She filed OA No. 376/2021 before this Tribunal challenging the order of

transfer. It was pleaded that she is suffering from some ailment in the eye, and it is essential that the treatment is continued in Delhi. The OA was

disposed of on 19.03.2021, directing the respondents to pass a speaking order on the representation dated 28.09.2020, submitted by the applicant. It

was also directed that till such time the order is passed, the respondents shall not give effect to the order of transfer.

2. The respondents passed a speaking order dated 15.03.2021, in compliance with the direction of this Tribunal. It was mentioned that the applicant is

working at the same place since 1986 and on account of restructuring of the

department, it became essential to post the applicant at Chandigarh. As

regards the medical problem, it was mentioned that the applicant was already accommodated earlier on that ground and as of now, the problem is not

so acute. This OA is filed challenging the order dated 05.03.2020.

3. The applicant contends that the problem still remains and it would be difficult for her to work at Chandigarh.

4. Today, we heard Sh. Gaurav Puri, learned counsel for the applicant and Sh. Hanu Bhaskar, learned counsel for the respondents.

5. The applicant felt aggrieved by the order of transfer dated 5.03.2020, and filed OA before this Tribunal. Taking note of the various grounds raised

by her, the OA was disposed of by directing the respondents to pass orders on the representation of the applicant. A detailed order was passed on

15.03.2021 dealing with every aspect pleaded by the applicant.

6. It is not in dispute that the applicant is working at Delhi since 1986. In other words, her entire service of more than 3 ½ decades, was in Delhi

only. It is also a matter of record that the orders of transfer issued earlier was withdrawn on a consideration of the request made by the applicant. The

medical reports also do not indicate any permanent disability. If the same official is continued for decades together in the same station, the

administration would find it difficult to transfer any official. The reason is that, if an official with standing of few years is transferred, strictly in

accordance with law and transfer policy, he may complain that the persons with longer standing for decades together are retained and he is chosen.

7. The second is that the continuation of an official in same place is prone to result in development of indifference or undue interest, which is not at all

in the interest of the administration. By any standard, a period of 3 1/2 decades, almost equivalent to a generation, during which the applicant is

working at the same station, cannot be said to be inadequate for her, whatever be the reason. Added to that, the applicant has already been

accommodated on health grounds on two or three earlier occasions. She stayed at Delhi for more than one year, even after the present order of

transfer. It cannot be a permanent feature. Showing of any further indulgence would result in serious dissatisfaction and disorderliness in the

department.

8. We do not find any merit in the OA and is accordingly dismissed. However, we

grant four weeksâ?? time from today, to the applicant to report to the place to which she is transferred.

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.