
(2021) 09 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00433 Of 2021

Minimol O.K.

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 03-09-2021

Acts Referred:

Citation : (2021) 09 CAT CK 0007

Hon'ble Judges : P. Madhavan, Member J; K.V. Eapen, Member (A)

Bench : Division Bench

Advocate : T. C. Govindaswamy, N. Anilkumar

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. This Original Application has been filed by the applicant seeking the following reliefs:

" 1. Call for the records leading to the issuance of Annexure-A1 and quash the same to the extent it transfers the applicant to Mumbai;

2. Direct the respondents to allow the applicant to continue at Kochi in her present office as if A1 had not been issued at all;

3. Award costs of and incidental to this petition;

4. Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case."

2. The brief facts of the case are as follows:

The applicant is presently working as an Assistant Accounts Officer (Navy) Kochi. She is aggrieved by an arbitrary and discriminatory (A1) Order bearing no. AN/I/39 dated 30.08.2021, issued from the office of the 3rd respondent, by which she stands transferred to Mumbai. Hence, the applicant has approached this

Tribunal praying for the aforementioned reliefs.

3. When the matter came up for consideration as today matter, counsel for the applicant submits that the applicant being a woman, her transfer out of Kochi without complying with the guidelines for transfer is illegal and she is now going to be relieved immediately. She seeks an interim stay of the transfer order since the transfer is arbitrary and cannot sustainable in the eye of law.

4. Mr.N.Anilkumar,Sr.PCGC takes notice on behalf of the respondents and seeks time for filing a short reply statement.

5. On perusal of pleadings, we find that Annexure A-9 representation submitted by the applicant is still pending with the Competent Authority. In view of the particular situation mentioned in this Original Application, we direct the Competent Authority to dispose of Annexure A-9 representation in the light of rules, regulations and guidelines relating to transfer and pass a speaking order within a period of one month from the date of receipt of a copy of this order. Till that time, applicant shall not be relieved from the present post.

6. The Original Application is disposed of as above at the admission stage itself without going into the merits of this matter. No costs.