
(2018) 11 CAT CK 0134

In the Central Administrative Tribunal

Case No : Original Application No. 4243 Of 2018

Neeru Rawal

APPELLANT

Vs

Department Of Atomic Energy And Anr

RESPONDENT

Date of Decision : 15-11-2018

Acts Referred:

Citation : (2018) 11 CAT CK 0134

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

Bench : Division Bench

Advocate : Ashish Virmani, Hanu Bhaskar

Final Decision : Disposed Off

Judgement

L. Narasimha Reddy, J

1. The applicant is a senior Scientist-G in the Atomic Minerals Directorate for Exploration and Research, Department of Atomic Energy, Government of India. Through an order dated 28.09.2018, she has been transferred to South Central Region, Hyderabad. She made a representation dated 04.10.2018 expressing her family problems in the context of being shifted to Hyderabad.

2. Apprehending that she may be relieved even before the representation is disposed of, she filed OA No.4194/2018. The same was disposed of on 02.11.2018 directing the respondents to pass orders on the representation of the applicant. Accordingly, an order was passed on 14.11.2018 reiterating the order of transfer. It was also mentioned in the order that she will stand relieved from the present station on 15.11.2018. The same is challenged in this OA.

3. We heard Shri Ashish Virmani, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

4. A perusal of the representation submitted by the applicant discloses that she mentioned the health problems of herself, her husband and her aged mother. The respondents, on the other hand, mentioned in the impugned order that the

applicant is a senior Scientist in the organisation and she is continuing in Delhi for the last twenty years. It was also mentioned that her experience and expertise is needed for the mission, which is undertaken at Hyderabad.

5. The grounds on which this Tribunal can interfere with the order of transfer are very limited. The applicant does not dispute the competence of the respondents to pass orders of transfer. This is not a case where the applicant has been subjected to repeated transfers or that she has been transferred even before she completed the normal tenure. A perusal of the impugned order dated 14.11.2018 discloses that the respondents held the applicant in high respect and their effort is to avail her experience and guidance at the other station. The difficulty which the applicant is said to have been facing in the family though need to be taken into account, cannot be kept above the requirements to service.

6. We are not inclined to interfere with the order of transfer, or the order dated 14.11.2018 through which the representation of the applicant was rejected. However, in the context of relieving the applicant, we are satisfied that she needs to be given reasonable time to ensure that adequate arrangements are made to look after her ailing husband and mother.

7. In the totality of the circumstances, we are of the view that the applicant be permitted to report to the station to which she is transferred, on or before 01.02.2019.

8. The OA is ordered and disposed of accordingly. There shall be no order as to costs.