

(2020) 07 CAT CK 0017

In the Central Administrative Tribunal

Case No : Original Application No. 818 Of 2020

Pankaj Sharma

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 14-07-2020

Acts Referred:

Citation : (2020) 07 CAT CK 0017

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

Bench : Division Bench

Advocate : M. S. Saini, Krishan Kant Sharma

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Chief Controller in the Northern Railway and is posted at Delhi. . Through order dated 29.11.2019, he was transferred to Tughlakabad on administrative grounds. Thereafter, the applicant did not join there. He submitted a representation stating that on account of his medical problems, he wants lighter duties to be entrusted to him and at present he is taking treatment at All India Institute of Medical Sciences (AIIMS). He has also stated that it would be very difficult for him to avail the medical facilities, if he is required to report to duty at Tughalakabad.

2. The respondents went on issuing orders one after the other requiring him to join duty, the latest one being dated 02.06.2020 requiring him to join immediately. This OA is filed challenging the order of transfer dated 29.11.2019, and those issued subsequent thereto.

3. Notice was issued to the respondents on 23.06.2020. Today, we heard Shri M. S. Saini, learned counsel for the applicant and Shri Krishan Kant Sharma, learned counsel for the respondents.

4. The applicant is working in the office at Delhi since 2004. The impugned order

is issued on administrative grounds. It may be true that the applicant is undergoing treatment for certain ailments. All the same he was discharging the duties at Delhi. Things would have been different altogether had it been a case where the transfer is to a distant place where, the availability of medical facilities is not certain. The transfer, in the instant case, is to Tughlakabad, which is part of Delhi. It cannot be said that the applicant is put to inconvenience, in any manner. Even while attending the duties at Tughlakabad, he can avail the same medical facilities.

5. So far as the request of the applicant to entrust him the lighter duties is concerned, it is for the respondents to deal with the same in accordance with the existing guidelines and procedure. Keeping the application pending for a long time, may not be proper.

6. We, therefore, dispose of the OA declining to interfere with the order of transfer but directing the respondents to pass orders on the representation of the applicant for entrustment of lighter duties, within a period of two months from the date of receipt of copy of this order. The applicant is granted 15 days time from today to report to duty at Tughlakabad. There shall be no order as to costs.