
(2021) 08 CAT CK 0033

In the Central Administrative Tribunal

Case No : Original Application No. 332, 00155 Of 2021

Prabha Tirkey

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 19-08-2021

Acts Referred:

Citation : (2021) 08 CAT CK 0033

Hon'ble Judges : A Mukhopadhaya, Member (A)

Bench : Single Bench

Advocate : U.S. Sahai, A.K. Chaturvedi

Final Decision : Disposed Of

Judgement

Through Video Conferencing)

1. Heard learned counsel for the applicant as well as both learned counsels for the respondents. At the outset, Shri Dharendra Singh, learned counsel

for the Secretary, Department of Scientific and Industrial Research, pointed out that this respondent, and not the Director General CSIR represents

the Union of India and this apparent error in the array of respondents should be corrected accordingly. So directed, with the consent of all learned counsel present.

2. Thereafter, Shri U.S. Sahai, learned counsel for the applicant, submitted that the applicant, who is a single lady who is 53 years old and has less

than 7 years of service to go before retirement, was recently transferred vide respondents' order dated 30.03.2021, (Annexure A-1 to the IR

application No. 826/2021), to Delhi. This order dated 30.03.2021 was later kept in abeyance by the respondents' own order dated 16.04.2021;

(Annexure- A-2 to the IR application No. 826/2021). Now, vide order dated

03.08.2021, (Annexure A-3 to the IR application No. 826/2021), the applicant has again been asked to proceed on the aforementioned transfer. Applicant's counsel pointed out that in their order dated 03.08.2021, (Annexure A-3 to the IR application No. 826/2021), the respondents have made it clear that they will not entertain any representations with regard to the impugned transfer orders. Applicants' counsel submitted that in the normal course, the applicant would have represented to the respondents detailing the difficulties that she would face in complying with this order but she is presently prevented from doing so.

3. At this, Shri A.K. Chaturvedi, Senior Advocate, learned counsel for the DG CSIR and Director NBRI, stated that the respondents are carrying out this transfer in the public interest and the aforementioned stipulation in the respondents' order of 3.08.2021 has also been made as a matter of exigency in the public interest. Learned counsel stated however that in the event this court so directs, the respondents will entertain the representation of the applicant in this matter, if she chooses to make one.

4. Upon this, Shri U.S. Sahai, learned counsel for the applicant prayed for a period of two weeks in order to enable the applicant to make a detailed representation to the respondents stating her difficulties and grievances with respect to the impugned transfer orders of 30.03.2021 and 3.08.2021 and submitted that he would be stratified if the respondents are directed to decide the representation, after affording the applicant an opportunity of a personal hearing in order to better explain her case, within a fixed and reasonable timeframe.

5. Looking to the aforementioned position and the limited nature of the plea made by the learned counsel for the applicants, I deem it appropriate, without entering into the merits of the case, to dispose of this OA at the stage of admission itself, with a direction to the applicant to make a detailed representation to the Director General CSIR within a period of two weeks with regard to her difficulties and grievances with respect to the impugned transfer orders of 30.03.2021, (Annexure A-1 to the IR application No. 826/2021), and 03.08.2021; (Annexure A-3 to the IR application No. 826/2021). In the event of such a representation being received within the stipulated period, the respondents shall, after affording the applicant an opportunity of a personal hearing in order to better explain her case, consider

and decide the same by way of a reasoned and speaking order in accordance with law, within a further period of one month after receipt of such representation, Till this representation is decided and the decision is conveyed to the applicant, no coercive action will be initiated against the applicant in pursuance of the aforementioned orders of 30.03.2021, (Annexure A-1 to the IR application No. 826/2021), and 03.08.2021; (Annexure A-3 to the IR application No. 826/2021).

6. Original Application is disposed of accordingly.

7. There will be no order on costs.