
(2016) 06 GAU CK 0054
In the Gauhati High Court
Case No : WP(C) No. 4196 of 2015

Union of India

APPELLANT

Vs

Sanaha Nbi Kar

RESPONDENT

Date of Decision : 08-06-2016

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2016) 5 GauLJ 738 : (2016) 5 GauLR 65

Hon'ble Judges : Mr. Ajit Singh, C.J. and Mr. Suman Shyam, J.

Bench : Division Bench

Advocate : Mr. S.C. Keyal, learned Assistant Solicitor General of India, for the Petitioners; None, for the Respondents

Final Decision : Dismissed

Judgement

Mr. Ajit Singh, C.J.—This petition under Article 227 of the Constitution is directed against the order dated 26.03.2015 passed by the Central Administrative Tribunal, Guwahati Bench whereby it has allowed respondents' O.A. No. 040/00094/2015.

2. Respondent No.1 is wife of respondent No.2. Respondent No.1 is working as Nursing Sister with the petitioners whereas respondent No.2 is working as Senior Accountant. Both have one minor son aged 13 years. Respondent No.2 is presently posted at Ghaspani, Nagaland which is far away from the place of posting of respondent No.1. Respondent No.1, therefore, applied for her transfer to a place which is nearer to Ghaspani, Nagaland. Although her representation was recommended, but the same was rejected by the concerned authority. Aggrieved, both respondent No.1 and 2 filed O.A. No. 040/00094/2015 before the Tribunal and prayed that as per policy they are entitled to be posted at one place. The Tribunal has agreed with respondent No.1 and 2 and by the impugned order has directed the petitioners to consider their posting at the same place so as to enable them to lead normal family life and take proper care of their child.

3. The Tribunal has referred to the policy decision of the petitioners particularly office memos dated 8.7.2009 and 30.9.2009 which say that for the education as well as welfare of children the Department as far as possible post the husband and wife at a same station. The petitioners, in all fairness, must honour their own policy and act as a model employer. It is high time now that petitioners must refrain from challenging every order of the Court/Tribunal.

4. We find no illegality in the order passed by the Tribunal. The petition is accordingly dismissed summarily.