

**Central Administrative Tribunal  
Madras Bench**

**OA 310/00006/2020**

**Dated Friday the 3<sup>rd</sup> day of January Two Thousand Twenty**

**P R E S E N T**

**Hon'ble Shri. P. Madhavan, Member (J)  
&  
Hon'ble Shri. T. Jacob, Member (A)**

J. Anitha (MES No. 198948)  
Junior Engineer (Civil)  
O/o Assistnat Garrison Engineer (I)  
Trichy – 620 001.

...Applicant

**(By Advocate M/s. V. Vijay Shankar )**

Vs

1. The Union of India,  
Rep. By the Chief Engineer, Head Quarters  
Southern Command, Pune 411 001.

2. The Chief Engineer (Chennai Zone)  
Island Grounds, Chennai – 2.

3. The Commander Works Engineer  
Wellington, Nilgiris District.

4. The Assistant Garrison Engineer (I)  
Trichy – 18.

....Respondents

**(By Advocate Mr. M. Kishore Kumar)**

## ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the records of the 1<sup>st</sup> respondent in its PO No. 57/2019 dated 15.10.2019, 132601/Sur-Defi-19/JE(Civil)/19/EIB(S)/A1(a) dated 19.12.2019 and 132601/Sur-Defi-19/1822/EIB(S)/A1(a) dated 23.12.2019 and quash the same in so far as the applicant is concerned and pass such other order or orders”

2. The applicant's case is that she entered the service as Junior Engineer (Civil) in the Office of the Garrison Engineer, Chennai and she worked at Chennai from 2011-2015. Thereafter she was posted in the office of the Assistant Garrison Engineer, Trichy and she is working in the said office till date. According to the applicant, her husband is working at Chennai and she is staying along with her mother in Trichy since she is having small kids born to her in January 2016 and December 2017. The applicant submits that the respondents had transferred her from Trichy to Ahmednagar as per Annexure A2 order dated 15.10.2019 which is a far away place. According to her, the transfer norms of the Department states that as far as female employees are concerned they should not be transferred to far off places if there exists vacancy within a radius of 80 kms and it shows that the female employees should be given transfer only to nearby places which is available in the Department. According to the applicant this norm was not considered by the respondents and eventhough she has given a representation, it

was rejected without giving any reasons by the competent authority on 19.12.2019. According to her, the said order is non-speaking and there is no reason given for the violation of transfer norms eventhough vacancy exist at Thanjavur, Chennai etc.

3. When the matter came up for consideration, learned counsel for the applicant would submit that the applicant's case is a hard case since the applicant is the mother of two new born babies and she has to look after them also. He had produced the copy of the transfer norms for Group B and Group C employees of the Military Engineering Service wherein the transfer norms for female employees is clearly stated as follows:

“(xii) Female Employees:

Taking into account the welfare of female employees they will be covered by the following policy norms:-

(a) Woman employees will be exempted from posting to tenure station, unless they volunteer for the same.

(b) Female employees will not be posted to long distance stations/complexes more than 80 km from their existing station/complex to the extent possible. However if no station/complex is located within 80 km they may be posted out only in cases of critical surplus in the station. In that case they will have the privilege of exercising three choices for posting out. After completion of tenure at new complex they will be asked three choices for posting.”

4. Learned counsel for the applicant submits that the applicant will be satisfied if she is permitted to file a fresh representation stating all her grievance to the competent authority and the competent authority is directed to pass a speaking order on the basis of relevant transfer norms and vacancy position available in the nearby stations. He also submitted that she is not relieved from the present station till this date.

5. Mr. M. Kishore Kumar takes notice for the respondents.
6. In view of the limited submission made, the applicant is directed to file a fresh representation to the competent authority (if necessary higher authority) within a period of two weeks from the date of receipt of copy of this order and the competent authority is directed to pass a speaking order on the representation showing the details of the vacancy position in the nearby units and stating the reason for transfer to Ahmednagar within a period of two weeks thereafter. It is also ordered that status quo as on today shall be maintained till the competent authority takes a decision on the representation filed by the applicant.
7. OA is disposed of at the admission stage.

(T. Jacob)  
Member(A)  
AS

03.01.2020

(P. Madhavan)  
Member (J)