

**Central Administrative Tribunal
Madras Bench**

OA/310/00088/2020

Dated the 27th day of January Two Thousand Twenty

P R E S E N T

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

&

Hon'ble Mr.T.Jacob, Member(A)

M.L.Aruldass, AE(QA),
SQAЕ (GS), Chennai-114,
No.12/13, Manikandan Street,
Iyyappa Nagar, Madipakkam,
Kanceepuram 600 091. .. Applicant
By Advocate **M/s.Paul & Paul**
Vs.

1. Union of India, rep. by its
Secretary,
M/o Defence,
Department of Defence Production,
South Block, New Delhi 110 001.
2. The Director General Quality Assurance,
Directorate General of Quality Assurance (Stores),
Department of Defence Production,
M/o Defence,
Room No.308-A, D-1 Wing,
Sena Bhavan, New Delhi 110 011.
3. The Additional Director General of Quality Assurance (Stores),
Directorate of Quality Assurance (Stores),
Directorate General of Quality Assurance (DGQA),
Department of Defence Production,
M/o Defence,
'G' Block, Nirman Bhavan PO,
New Delhi 110 011.
4. The Senior Quality Assurance Officer,
Senior Quality Assurance Establishment (General Store),
DGQA Complex, Nanganallur PO,
Chennai 600 061. .. Respondents

By Advocate **Mr.C.Kulanthaivel**

ORDER

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

The above OA is filed seeking the following relief:-

“To set aside the order of transfer passed by the 3rd respondent in B/89282/RTS-2019/DGQA/Store-1/T dated 30.5.2019 in so far as transferring the applicant from SQA (GS) Chennai to SQA (GS) Kanpur, and the communication of the 3rd respondent in ref. No.B/89282/RTS/2019/Store-1 dated 09.1.2020.

Direct the 4th respondent to take the applicant in the strength of the SQA (GS) Chennai and to permit him to discharge his duties..”

2. The applicant is an Assistant Engineer (QA) in the respondent organisation SQA (GS) Chennai and working there w.e.f. 03.6.13. In the RTS-2019, the applicant's name is included for transfer to CQA (GS) Kanpur and he is issued with a transfer order dt. 30.5.19. The applicant's father is aged 82 years and he is suffering from Parkinson's disease and dementia and he is dependent on the applicant and he alone is available to take care of his father. Applicant's wife is also working as a Teacher in Corporation Middle School at Perambur and his daughter is studying 1st year B.Sc. at Madhanang Kuppam. Since his presence at Chennai is necessary, he filed a representation to R3 to defer his transfer accompanied with necessary medical records of his aged father. On receiving the representation, R3 directed the R4 to verify the genuineness of the case of the applicant by letter dated 01.7.19 and also ordered to keep the order of transfer in abeyance. R4, after verification of the facts,

reported to R3 by letter dt. 08.7.19 that applicant's case is genuine. The order of transfer dt. 30.5.19 was not implemented. But on 09.1.20, R3 had directed to implement the transfer order with immediate effect. Again the applicant gave a representation on 10.1.20 stating the difficulties and to consider his case on the basis of DOPT letter No.42011/3/2014-Estt (Res) dt. 08.10.18. But no reply is given. Hence, the applicant seeks a stay of the transfer order dt. 30.5.19 till disposal of his representation.

3. The respondents appeared through Central Government Standing Counsel Mr.C.Kulanthaivel and opposed the interim order sought by the applicant.

4. We have heard both sides. On a perusal of Annexure A3 instructions issued by the DOPT giving effect to the Rights of Persons with Disabilities Act, 2016, it is seen that persons who are care givers' to dependent daughter/son/parents/spouse/brother/sister with specified disability can be exempted from rotational transfer. The OM also explains specified disability as (i) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low-vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) intellectual disability including specific learning disabilities and autism spectrum disorder (viii) mental illness (ix) Disability caused due to: (a) neurological conditions such as Multiple sclerosis and Parkinson's disease etc. as may be notified by the Government.

5. Here the applicant has also produced medical Certificates regarding his father's illness. It is not clear why the authorities are not implementing the above OM. The

counsel submits that he will be satisfied if his representation is considered in the light of the above OM.

6. In view of the above limited relief sought, *the competent authority is directed to consider the representations of the applicant (Annexure A10) for exemption from rotational transfer and pass a speaking order with reasons within a period of two months from the date of receipt of a copy of this order. In the meanwhile the respondents are directed to keep the transfer order in abeyance.*

7. OA is disposed off at the admission stage itself.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

27.01.2020

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