

Central Administrative Tribunal: Principal Bench
New Delhi

OA No. 1820/96

New Delhi, this the 23rd day of September, 1996

Hon'ble Mr. A. V. Haridasan, Vice-Chairman (J)
Hon'ble Mr. K. Ramamoorthy, Member (A)

Miss Uma Asthana,
D/o Late Shri S.C. Asthana,
R/o H.No. 5100, Main Market,
Subzi Mandi,
Delhi.

By Shri D.C. Sharma, Advocate

...Applicant

-Versus-

Union of India through :

1. Secretary,
Ministry of Urban & Rural Development,
Nirman Bhawan,
New Delhi.
2. Director General,
Works Department,
Nirman Bhawan,
New Delhi.
3. Superintendent Engineer,
Co-ordination Circle (Civil),
C.P.W.D., Indraprastha Bhawan,
I.T.O.,
New Delhi.
4. Superintending Engineer,
Delhi Central Electrical Circle-8,
CPWD, Indraprastha Bhawan,
I.T.O., New Delhi.
(Shri K.R. Sachdeva, Advocate)

.....Respondents

O R D E R (Oral)

By Hon'ble Mr. A.V. Haridasan, Vice-Chairman(J) -
The grievance of the applicant is that the respondents do not allow her to join duty in the office of 4th respondent on her return from leave. Therefore, she has filed this application under Section 19 of Administrative Tribunal Act, 1985 for a direction to respondents to allow her to continue in service in the office of 4th respondent. It is alleged in the

(A)

application that she was being ill-treated by the senior staff and the action on the part of the respondents in not allowing her to join duty is also a part of such harassment.

2. The respondents in their reply stated that by order dated 2.8.1996, the applicant was relieved from her post in the office of 4th respondent with a direction to report to Superintending Engineer (Co-Ordination) for a posting and that by order dated 13.9.1996 Annexure R-XI, she has been transferred to the office of ACD-II at Connaught Place, New Delhi.

3. We have heard Shri D.C.Sharma, counsel for the applicant and Shri K.R. Sachdeva, counsel for the respondents, ~~the~~ the applicant herself is also present before us. The applicant states that the relieving order dated 2.8.1996 was not really communicated to her, that her transfer from the office of 4th respondents was not justified because she being neither junior-most nor the senior-most has been picked up for transfer arbitrarily. She further states that if she is transferred to the office of ACD-II, Connaught Place, her claim for medical re-imbusement pending with the office of 4th respondent is likely to be delayed.

4. After hearing the learned counsel on either side, we are of the considered view that the controversy involved in this case has been considerably narrowed down now. The refusal on the part of the 4th respondent to allow her to join duty that office was solely for the

✓

5

reason that she has been relieved from the strength of that office. It is not as if the applicant is without a posting because by an order dated 13.9.1996, she has now been posted in the office of ACD-II, Connaught Place, New Delhi. The case of the applicant is that she could not report before any office as she was not told of the posting and, therefore, the intervening period has to be treated as spent on duty. We are of the considered view that this matter should first get the attention of the competent authority before an adjudication on this aspect is attempted to. Regarding the case of the applicant that her claim for medical re-imburement is likely to be delayed on account of her transfer, we are convinced that this can be taken care of by giving direction to the respondents to see that this matter is expeditiously looked into by the concerned person. ^{As to the contention that} the applicant being not junior-most or the senior-most was being picked up for transfer, we are of the considered view that a transfer being an incidence of service, in exigencies of service, the competent authority can decide which employee can be deployed to which office.

5. In the light of what is stated above, we are of the considered view that the application can now be disposed of at the admission stage itself directing the applicant to report for duty in the office of ACD-II, Connaught Place, New Delhi, as agreed by her, on 24.9.1996 and with a direction to the respondents to accept her in that office and allow her to join duty. The regularisation of the ^{intervening} period shall be considered by the competent authority taking into account the

✓

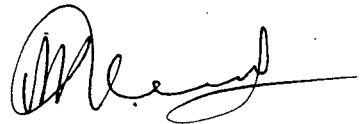
6

background of the case and viewing it sympathetically.

The respondents are directed to consider and pass appropriate orders as expeditiously as possible in regard to any pending claim of the applicant for medical re-imbusement or payment of arrears of salary on the basis of her representation to be made within two weeks from today, within a period of one month from the date of receipt of the representation. O.A. is disposed of accordingly. No costs.



(K. Ramamoorthy)
Member (A)



(A.V. Haridasan)
Vice-Chairman

/na/