

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO.OA 600/88

Date of decision:23.4.92

Dr.(Mrs.) Saraswati Ratna .. Applicant

versus

Director of Education, .. Respondents
Delhi Administration,
Delhi.

CORAM: THE HON'BLE MR.T.S.OBEROI, MEMBER(J)

For the Applicant .. None

For the Respondents .. Mrs.Avnish Ahlawat,
Counsel.

1. Whether the Reporters of the local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *no*

JUDGEMENT(ORAL)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who at the relevant time was posted as Vice Principal, in the Government Girls Secondary School, Lado Sarai, was transferred from that school to Government Girls Senior Secondary School, Tuglakabad, vide impugned order dated 27.11.87 (Annexure R-1). She submitted a representation against her transfer to the said school at Tuglakabad, upon which, her transfer to the latter school was stayed for a period of three months, vide order dated 5.1.1988 (Annexure R-4), though it was simultaneously ordered that she will continue to draw her salary from Govt. Girls Secondary School, Tuglakabad. Accordingly, this stay would have lapsed on 4.4.1988 and the respondents issued another

See

order dated 7.4.88(Annexure -19) posting one Ms.S.Dutt at Lado Sarai School. However, on the present OA having been filed by the applicant in this Tribunal, and on her plea that no one had joined at the Lado Sarai School by then, there was a stay granted by the Tribunal vide order dated 12.4.88, which continued from time to time, till today.

2. The main ground challenging the present transfer, as put forth by the applicant is that because of a fight between the Headclerk and member of the staff on the question of grant of LTC claim of the applicant, the applicant had been made a scapegoat, and transferred from Lado Sarai School to Tuglakabad School.

3. In the counter filed on behalf of the respondents, it has been submitted that the applicant's transfer has been ordered, on administrative grounds, and the transfer has been made to the nearest possible school keeping in view the applicant's residence, and is, therefore, by no means inconvenient¹ to her. It is further submitted that the transfer is within the exclusive domain of the administrative authorities, who look into and decide, keeping in view various factors involved, and in the present case, as would be apparent from the transfer order itself (Annexure R1), there were as many as 46 transfers, mainly against vacant posts, and, therefore, there is nothing special for the applicant to complain against the respondents' action, in transferring her from Lado Sarai School to Tuglakabad School.

4. The applicant has also filed a rejoinder, in which she has broadly reiterated her stand as taken up in the OA.

[Signature]

5. Today when the case was taken up for arguments, neither the applicant nor her counsel Shri Naresh Kaushik was present. On the earlier date also no one was present on behalf of the applicant, though there was a casual mention about her inability to attend because of some demise in the applicant's family. A perusal of the earlier order sheets shows that the applicant has not been regularly attending the court, on various dates, when the case was fixed for hearing, as would be evident ^{from the fact that} she was not present on 30.10.91, 14.11.91 and again 15.11.91, and though her presence is recorded on 4.12.91, at her request, the case could not be heard on that date and was adjourned to the next day.

6. I have heard the learned counsel for the respondents and have perused the contents in the OA, the documents filed therein as well as the counter filed on behalf of the respondents, and the rejoinder filed by the applicant.

7. The learned counsel for the respondents pleaded that the transfer is an essential incident of service and it falls primarily on the respondents' department to see the requirement and suitability of a particular incumbent, to be posted, according to the requirements of the department. The learned counsel for the respondents further pointed that even otherwise, because of the stay granted by the court, the applicant had continued to stay on, in Lado Sarai School, ever since the grant of stay till today, which accounts for ^{nearly} ~~normal~~ 4 years, by now.

8. I have carefully considered the matter involved and in view of what has been submitted

by the learned counsel for the respondents, I feel that there is no justification in continuing the stay earlier granted nor any merit is found in the OA, which is accordingly dismissed and the stay earlier granted is vacated.

9. The OA is decided as above, with no order as to costs.

See: 23.4.92
(T.S.OBEROI)
MEMBER(J)