



**Central Administrative Tribunal
Principal Bench, New Delhi**

M.A. No. 2231/2020

O.A. No. 1778/2020

Today, this the 9th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Richa Mishra
92-EM/B Railway Colony
Near Railway Hospital
Por Bandar Gujrat - 360575.

.. Applicant

(Through Mr. Vijay Tangri, Advocate)

Versus

1. Ministry of Railways
Director General/Railway Health Services
Railway Board
Rail Bhawan, 1, Raisina Road
New Delhi-110001.
2. Executive Director/Confidential Cell (Gazetted)
Railway Board
Rail Bhawan, 1, Raisina Road
New Delhi-110001.

..Respondents

(Through Mr. Krishan Kant Sharma, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy :

M.A. No.2231/2020 (COD)

The applicant was working as Chief Medical Officer in the North Western Railway. Through an order dated 17.05.2019, she was transferred from Moradabad to



Mumbai, Western Railway. She intends to challenge the order of transfer. Since there is delay of 157 days in filing the O.A., she has filed the present M.A. seeking condonation of delay.

2. We heard Mr. Vijay Tangri, learned counsel for applicant and Shri Krishan Kant Sharma, learned counsel for respondents, at the admission stage itself.

3. The applicant intends to challenge the order of transfer dated 17.05.2019. The delay involved is no doubt not that prohibiting. The fact, however, remains that the applicant intends to challenge the order of transfer, which was passed way back in the year 2019. The applicant not only joined that place but also started working there for the past several months. The illegality or otherwise of the order of transfer can be challenged as long as the employee did not join the duty. Once the employee has joined the duty and several months have elapsed, the challenge itself becomes a bit untenable. At any rate, the delay is of 157 days in challenging the order of transfer is difficult to be condoned, particularly when 3rd party right is accrued.



4. We do not find any merit in the MA and accordingly the same is dismissed. We make it clear that we did not express any view on the merits of the matter.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

November 9, 2020
/sunil/jyoti/rk/sd