

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

No. Of Adjournment : 13

COURT NO. : 1
15.01.2021
O.A./260/300/2018

C MOHANTY
-V/S-
CENTRAL GROUND WATER BOARD

ITEM NO:31

FOR APPLICANTS(S) Adv. : Dr. J. K. Lenka
Mr. P. K. Behera

FOR RESPONDENTS(S) Adv.: Mr. J. K. Nayak

Notes of The Registry	Order of The Tribunal
	<p>Heard the learned counsel for the applicant and respondents through VC.</p> <p>Learned counsel for the applicant had strenuously urged that the applicant has been discriminated against, although other employees of the department having completed 20 Or 25 years have not been disturbed. She further submitted that one Mr. Sudarshan Sahoo have been accommodated by the department after the matter was considered by the Tribunal in another OA.</p> <p>Learned counsel for the Respondents submitted that transfer policy vide Annexure R/1 has not been violated and there is no compulsion on the part of the department to be bound by the three choices of places of the posting give by the applicant as per the policy given at Annexure R/1, if there are other administrative exigencies, as the policy vide Annexure R/1 give scope for the same.</p> <p>The transfer order passed in the month of April 2018 was stayed by this Tribunal as per the interim order dated 11.06.2018. It is ascertained that the applicant has already completed a period of about 14 years in the meantime at Bhubaneswar.</p> <p>The ground of ailing mother, education & final 10th class CBSE examination of the daughter to be conducted in the month of April 2021 and that the husband is serving in Dubai, are the factors which department of respondent have to consider while issuing administrative directions.</p> <p>Mere sympathy, will not enable this Tribunal go beyond the policy decision and interfere in the discretion exercised by the department while ordering the transfer of the applicant. No malafide has been alleged or proved in this case against any of the concerned authorities for issuing the transfer order in question.</p> <p>In the circumstances this Tribunal does not find any illegality in the impugned transfer order and that no rules, circulars ort policies of the respondent department, while issuing the transfer order in question. This Tribunal is satisfied that</p>

there is no scope for interference in the transfer order passed by the department vide Annexure A/4.

The factors which weighed by the authorities not to disturb other employees who belong to other categories and cadre of their establishment, are not fully available with us and even otherwise also, they will not be of any help to the applicant taking into consideration that she has already completed 14 years of posting at Bhubaneswar.

Besides that, she is being transferred from capital of Odisha i.e. Bhubaneswar to capital of Chhatisgarh i.e. Raipur where the medical treatment facility will be available to ailing mother of the applicant.

The interim stay on transfer has been in force for about three years all this while. Now since the applicant's daughter is appearing in 10th CBSE Board exam which are likely to be over shortly by April/May 2021, i.e. in about 3 months time, it is for the applicant to submit her request to allow her to continue serving at Bhubaneswar for this time period and in that event, it is for respondents to consider the same as to when to relieve the applicant to carry out transfer.

Alternatively, the applicant, if so advised and the situation so warrants, can also request to her authorities to consider sanctioning her leave, for the purpose of enabling her to attend to the family need, including the 10th examination of her daughter.

In case a request is submitted by applicant in writing, to the above effect, the respondents are directed to take a view keeping in view that Covid 19 situation has affected the entire country in the meanwhile.

In keeping with above, the OA is disposed of with above observations. The interim stay also stands vacated. No costs.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(PRADEEP KUMAR)
MEMBER (A)