

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00390/2020



HYDERABAD, this the 4th day of September, 2020.

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

Smt.S.Subbulu W/o S.Sommaiah,
Aged about 45 years, Occ : SAA, Gr. 'C',
O/o Chief Engineer, R & R, Secunderbad,
R/o H.No.8-23/23, Mohan Rao Colony,
Near Panchayati Office,
Balaji Nagar, Shameerpet, R.R.District.

...Applicant

(By Advocate : Mrs. G.Jaya Reddy)

Vs.

1. Union of India Rep by the Secretary,
Ministry of Defence, New Delhi.
2. Engineer-in-Chief E-in-C's Branch,
IHQ of MOD Kashmir House,
New Delhi – 110011.
3. The Chief Engineer,
HQ Southern Command, Pune.
4. The Chief Engineer, R&D
Military Engineer Services Picket,
Secunderabad.
5. The Executive Engineer (SC),
Military Engineer Services Garrison Engineer (Maint),
Exhimala, Indian Naval Academy (Post),
Kannur District, KERALA STATE.

....Respondents

(By Advocate : Mrs. K. Rajitha, Sr.CGSC)

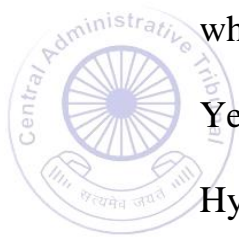
ORDER (ORAL)**(Hon'ble Mr.B.V.Sudhakar, Administrative Member)****Through Video Conferencing**

The O.A. has been filed with regard to transfer of the applicant from Secunderabad to Kannur district in Kerala.

2. The brief facts of the case are that the applicant has been appointed on compassionate grounds in lieu of the medical discharge of her husband from Indian Army. It is stated that the husband of the applicant is under constant medication for psychiatric issues and is presently undergoing treatment at Hyderabad. The respondents issued transfer order dated 25.10.2019, transferring the applicant to Kannur district in Kerala. Aggrieved over the same, the present O.A. has been filed.

3. The contentions of the applicant are that the said transfer caused serious hardship and mental agony to her. She made a representation on 18.10.2019 to the 3rd respondent, ventilating her difficulties and requested him to cancel the transfer order. The said request was rejected vide letter dated 19.12.2019. The applicant thereafter made another representation dated 13.01.2020, requesting to post her at Yeddumailaram or Bidar, to enable her to look after her family members at least once in a week. The said request of the applicant was also denied. It is the contention of the applicant that in view of the Covid-19 situation, the transport services have not been restored and, therefore, it is extremely difficult to move over to a new place.

4. The respondents have filed a reply wherein they have stated that the applicant, after being appointed on compassionate basis, has been continuously working in Hyderabad/ Secunderabad for the last 20 years. The representation made by the applicant for cancellation of the transfer order was



recommended by the previous Chief Engineer, but was rejected by HQ Chief Engineer, Southern Command, Pune vide letter dated 19.12.2019. Later, when the applicant made another representation to accommodate her in Yeddumailaram or Bidar, it was also rejected as Yeddumailaram is in Hyderabad/ Secunderabad complex and that there are no vacancies in Bidar. The applicant continued to represent at least to allow her to stay in Hyderabad till her son's examinations were completed. The same was considered and she was allowed to continue in Hyderabad office till 20.04.2020. Thereafter, the movement order dated 19.02.2020 was issued directing the applicant to move by 20.04.2020. For the delay which occurred in her movement, even her controlling officer got a show cause notice. In the meanwhile, due to Covid-19, the authorities have decided not to issue movement order till 31.07.2020. Now, as the transport facilities have restored, the respondent authorities have decided to relieve the applicant so that she can join in her new place of posting. It is stated that the request of the applicant has been considered on most of the occasions. The transfer has been necessitated as she has been allowed to work in and around Hyderabad for nearly two decades and that the transfer is to be effected in administrative interest.

5. Heard Smt. G. Jaya Reddy, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents, and perused the pleadings on record.

6. The applicant has been transferred from Hyderabad to Kannur district in Kerala in the usual process and as per the rules and regulations of the respondent's organization. She was allowed to work in and around Hyderabad for nearly two decades after being appointed on compassionate grounds. Besides, after the applicant was transferred to Kannur district in Kerala, she



was allowed to be in Hyderabad/ Secunderabad for a period of nearly one year on one ground or the other. The transfer order has been issued in administrative interest. The transfer policy is reported to be followed not only in the case of the applicant but also in respect of other employees of the respondent's organization. The Courts normally do not interfere in transfer matters unless malafides are attributed. The applicant has not come up with any ground to demonstrate that there has been malafide in the issue of the transfer order nor produced any rules, which have been violated. Hence, we do not find any ground to interfere on behalf of the applicant for her retention at Hyderabad. At this stage, learned counsel for the applicant prayed that the applicant may be granted some more time to move over to the new place of posting, in view of the Covid-19 situation, for which, learned Senior Standing Counsel appearing for the respondents vehemently opposed stating that the applicant has already been accommodated on several occasions in the past considering her family circumstances. However, in view of the Corona prevailing in the country and as the transport services have not been restored fully and in particular, keeping in view the fact that her husband is having serious health issues, it would be fair and reasonable that three months time be given to the applicant to prepare and move to the new station. Therefore, the request of the applicant shall be considered by the respondents, by granting her three months time from the date of receipt of this order, to get relieved from Hyderabad and join at Kannur, Kerala.

7. With the above directions, the O.A. is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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