

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/0200037/2021

HYDERABAD, this the 28th day of January, 2021

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



Smt. C. Padmalatha W/o J.Ramesh,
Aged 49 years, Occ: Upper Division Clerk,
Gr.'C', Archaeological Survey of India,
Hyderabad Circle, R/o H.No.2-106/3/
Nanakramguda, Hyderabad.

...Applicant

(By Advocate : Mr. C. Raghu)

Vs.

1.Union of India, Rep. by its Secretary,
Ministry of Culture, New Delhi.

2.The Director General,
Archeological Survey of India,
24 Tilak Marg, New Delhi.

3.The Regional Director (South),
Archeological Survey of India,
KSIMC Building, Industrial Estate,
Rajaji Nagar, Bangalore.

4.The Superintending Archeologist,
Archeological Survey of India,
3rd Floor, Kendriya Sadan Building,
Sultan Bazar, Hyderabad.

....Respondents

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

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to transfer of the applicant from Hyderabad to the Hampi Circle of the respondents organization.



3. Brief facts are that the applicant is working as UDC in the respondents organization at Hyderabad. When she was transferred to Hampi, it was challenged by filing the OA 768/2020 wherein it was directed to dispose of the representation of the applicant and accordingly, the same was examined and rejected vide impugned order dt. 12.01.2021. The transfer was issued in view of the fact that the respondents have created new Circles. Without properly considering the directions of the Tribunal in OA 768/2020, the request for cancellation of the transfer was not considered and hence, the OA.

4. The contentions of the applicant are that, no opportunity was given to be heard before ordering the transfer. Applicant has an aged mother-in-law and college going children to be taken care of. Sri S.K. Prasad UDC was transferred to nearby Amaravati and the applicant to a far off place. Chennai employees were transferred to Trichy, which is around 300 km, whereas the applicant was transferred to Hampi, which is 400 km away. No consideration was shown for being a female employee with certain unique responsibilities. Transfer during the second wave of Covid pandemic would give scope for health issues. Applicant has been transferred on the ground that she is the senior most employee, whereas there are others who are more senior than the applicant. Mr. K. Isaiah has been working in the respondents

office for more than 20 years. Transfer was effected at the instance of Mr.Milan Kumar Chawle who harassed the applicant. Contentions made in the OA 768/2020 have not been responded to. Applicant was hurriedly relieved on 13.1.2021.



5. Respondents in their reply statement state that the transfer had to be effected in public interest. The applicant is experienced and efficient and hence chosen for the new Circle formed at Hampi. Covid restrictions have been relaxed and many officials have been transferred. Children are all majors and that the daughter of the applicant, who is grown up can take care of the family in applicant's absence. The transfer of officials from Chennai to Trichy was necessitated because posts were carved from Chennai to create the Trichy office. Hampi has good connectivity. The allegation about Mr. Isaiah is not true. While disposing the representation of the applicant, it was mentioned that the applicant is one of the senior employees and not the senior most employee. 2 officials from Hyderabad were transferred to Hampi and they have joined the new place. Totally 18 employees were transferred after the creation of the new Circles in order to operationalise the new circles.

6. Heard both the counsel and perused the pleadings on record.

7. I. The dispute is about the transfer of the applicant from Hyderabad to Hampi. Respondents created new circles in the country to facilitate better awareness about Indian Culture and provide for focussed protection of monuments. In order to man the new Circles, 18 employees were transferred and the applicant is one among them. 2 other officials transferred from Hyderabad have joined at Hampi. Respondents had to

affect the transfer in public interest in order to operate the new circles. While effecting transfers, though there is no provision to issue notice, but acceptable principles of Managerial Practice is to call for options from the employees, in order to minimize employee grievance. The respondents had failed to do so. They may note for future guidance since major Central Govt. Organizations like Railways, Dept of Posts, Defence, etc do follow this healthy practice largely. Organization is a conglomerate of men, material and money. Motivated work force would make the Organisation vibrant and to motivate the employees, involving them in the decision making process, which effect their service, would be organizationally beneficial and rewarding. The applicant did state her personal problems, but the call of duty takes precedence over personal issues. However, on filing the OA 768/2020, the respondents were directed to examine her representation, which they did and gave an assurance that her request for Hyderabad would be considered at the appropriate time. We expect the respondents to fulfill the assurance within the ambit of rules.



II. Besides, transfer is an incidence of service and there is a narrow scope for the Tribunal to interfere, unless it is malafide. In the instant case, transfer affected is in public interest and that too, considering the experience and efficiency of the applicant. Applicant is becoming a part of the historic growth process of the organization, which has to be welcomed. Moreover, the applicant has been relieved and her reliever has been posted to Hyderabad. Therefore, any intervention at this stage may break the chain of transfers, which the respondents would have worked out and hence, may not be in the interest of service. However, before we part,

we direct the respondents to grant adequate eligible leave, if sought for by the applicant, in order to prepare for the shift.

III. With the above direction, the OA is disposed of, with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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