



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1811/2021

This the 26th day of August, 2021

Through video conferencing

Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed , Member (A)

Ms. Vijay Lakshmi,
Section Officer,
At CSIR-NISCPR,
Aged about 48 years,
W/o Avanish Kumar Singh,
R/o B-38, City Apartment,
Vasundhra Enclave,
East Delhi-110096 - Applicant

(By Advocate: Mr. Anish Agarwal)

Versus

Council of Scientific and Industrial Research,
Through the Joint Secretary (Admin)
Anusandnan Bhawan, 2,
Rafi Marg, New Delhi-110001 - Respondent

(By Advocate: Mr. Jayesh K. Unnikrishanan)

O R D E R (Oral)

Hon'ble Ms. Manjula Das:

This OA is filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs:-

- “1. Set aside transfer of the applicant vide Office Memorandum of Council of Scientific & Industrial Research No.3-4(C)/2021-E.I. dated 30.3.2021 read with Office Memorandum of Council of Scientific & Industrial Research No.3-4(C)/2021-E.I.



dated 16.4.2021 and Office Memorandum of Council of Scientific & Industrial Research No.3-4(C)/2021-E.I. dated 3.8.2021.

2. Set aside relieving of the Applicant from the as per relieving letter issued to the Applicant by Administrative Officer CSIR-CRRI dated 19.8.2021 vide Office Memorandum No.3(388)/2019-E.I.
3. Reinstate the Applicant to the post of Section Officer (CSIR-NISCPR).
4. Alternatively, direct the Respondent to consider the Applicant for transfer to any of the New Delhi/NCR Offices/labs of the Respondent.
5. Pass such other order that this Hon'ble Tribunal may deem appropriate and just in the facts and circumstances of this case."

2. Mr. Anish Agarwal, learned counsel for the applicant, submitted that the respondents have passed the impugned transfer order dated 30.03.2021 transferring the applicant to CSIR-IMT, Chandigarh which is contrary to guidelines for transfer and posting dated 01.01.2019, as both the children of the applicant are having Board examinations in this academic year. Learned counsel submitted that the applicant has also submitted a representation dated 06.04.2021 followed by another one dated 06.08.2021 ventilating her grievances with regard to her transfer to the respondents and that no decision has been taken by the respondents thereon.

3. Mr. Jayesh K. Unnikrishanan, learned counsel, who appears on advance notice for the respondents, submitted that



since the applicant has already stood relieved, she ought to have made representation after joining her place of posting.

4. On perusal of the guidelines for transfer and posting dated 01.01.2019 issued by the respondent department themselves, it is clear that as per Para 5A thereof, “Requests for retention at the present station may be considered upto the end of board examinations in case the child(ren) is/are studying in 10th or 12th class and the CCO and concerned has already intimated this fact in advance”. Since the children of the applicant are studying in 10th and 12th class and have board examination in this academic year, the case of the applicant is covered under the guidelines issued by the respondents themselves. In the case of **Director of School Education Madras and Anr. vs. O. Karuppa Thevan & Anr**, 1994 Supp.(2) SCC 666, the Hon’ble Apex Court held that the transfer in the mid academic session is not permissible under the law.

5. We also noted that the representation made by the applicant dated 06.08.2021 is still pending with the respondents and no decision has been taken thereon by the respondents.

6. In view of the above, the OA is disposed of with a direction to the respondents to decide the representation dated 06.08.2021 submitted by the applicant by considering her case



as per Para 5A of the Guidelines for Transfer and Posting, within a period of two months from the date of receipt of a copy of this order. However, it is made clear that if the applicant has already been relieved, she shall be allowed to join back to her original place of posting at Delhi till the examination of her children is over during this academic session.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/lg/vb/mbt