

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 37 OF 2003

FRIDAY, THIS THE 20TH DAY OF JANUARY, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

K. Aravindakshan,
s/o Late O.S. Manon,
r/o 200 D Defence Colony,
Jajmau, Kanpur Posted as
Senior Stores Officer,
Grade-I in Defence Materials & Stores Research
& Development Establishment (D.M.S.R.D.E.), G.T.Road,

...Applicant

(By Advocate:- Shri S.C. Tiwari-Absent)
Applicant in person

V E R S U S

1. Union of India through Director General
Research & Development/Secretary, Defence
Research & Development Organisation, New Delhi.

2. Director,
Defence Materials and Stores Research &
Development Establishment,
G.T.Road, Kanpur.

3. Director of Personnel,
D.R.D.O, Head Quarter,
Sona Bhawan (B.Wing),
New Delhi.Respondents.

(By Advocate:- Sh. N.C. Nishad through Dr. Mohd. Nasim
Scientist 'F' (Joint Director)
DMRDE (Departmental Representative)

ORDER

HON. MRS. MEERA CHHIBBER, MEMBER (J)

This is the second round of litigation whereby
the applicant has challenged the orders dated 12.7.2002,
26.12.2003 and 6.1.2003. It is seen that by order dated
12.7.2002, the applicant was transferred from Kanpur
to New Delhi (page-27) which was challenged by the
applicant in the Tribunal by filing O.A No. 1528/2002.
The same was disposed off by order dated 3-01-2003
with a direction to the respondents to consider the
case of the applicant sympathetically and pass appropriate
orders in accordance with law within a period of 4



weeks and till such time the respondents were directed not to give effect to the impugned order as it was stated by the applicant that he has not yet handed over the charge. (Pg.63)

2. Pursuant to the orders passed by this Tribunal, the respondents have passed a detailed order on 06.01.2003 (Pg-31) whereby the applicant was informed that the competent authority has not acceded to his request for cancellation of his transfer. Therefore, he was advised to report to his new duty station at New Delhi immediately after he is declared medically fit to resume duty. It is submitted by the applicant that on 26.12.2002 the applicant has been relieved from duties and directed to report at Headquarter DMS New Delhi after availing 10 days joining time.

3. The applicant's case is that his wife is very sick as she has suffered 3 paralytic strokes and has suffered a massive heart attack in the year 2001 and is totally bedridden. Therefore, she is not able to move around or run the house and even his children are in the midst of their studies, therefore, he has pleaded to take a sympathetic view of the matter and to give at least 6 months time to tide over his affairs and has given an undertaking to the Court that he would move to any place wherever he has been posted after a period of 6 months.

4. I had seen the pleadings and heard the applicant in person. Since none had appeared for the respondents, I had dictated the order ~~in~~ ^{on 17.1.03 B} but before it was signed counsel for respondents appeared before me and submitted that applicant had also filed C.P. which was dismissed by court ^{therefore they may be heard} as he had already been relieved on 26.12.2002. Accordingly, the matter was directed to be listed on 20.01. 2003 in Court ^{at 10.30 A.M.} as "for being spoken to". Today I heard applicant as well as

departmental representative.

5. The applicant has shown me various prescriptions issued from the Hospitals or Nursing Homes from time to time which do show that his wife is indeed very sick as she has suffered a number of paralytic strokes and a heart attack also and applicant literally begged for being given some time so that he may make some alternative arrangements. He also submitted that due to extreme cold condition prevailing, her condition has still deteriorated if she is not attended to, she might collapse. Even though, looking at his fervent appeal, I was moved but unfortunately the scope for interference by Tribunal in the matter of transfer is very limited as Hon'ble Supreme Court has repeatedly held that courts should not interfere in transfer matter as a routine unless it is vitiated by malafides or is contrary to rules. I have seen the reply given by respondents to the applicant's representations. They have not disputed the fact about the applicant's wife's sickness on the contrary they have stated that the department is also equally concerned about the illness of his wife as also the education of his children but since he has been in Kanpur since October, 1983, he cannot be allowed to stay in Kanpur permanently. Therefore, they have not acceded to the request of applicant for cancellation of transfer order. I fully agree with the respondents that on account of wife's sickness no person can be allowed to stay at one station for all times to come as there would be number of such cases where the spouses or the parents of the employees are very sick and in any case, the applicant is being transferred to Delhi from Kanpur where definitely he would get better facilities for getting the treatment of his wife. It is also seen that department has been accommodating the applicant and ^{himself} have already cooperated with and they are right that his request to cancel transfer cannot be acceded to.