

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Dy. No. 968/JI/92.

D. A. No.

183/92

T. A. No.

199

DATE OF DECISION 30-1-1992

Smt Sreedevi

Applicant (s)

Mr MM Abdul Aziz

Advocate for the Applicant (s)

Versus

The Director of VGRG, Pondicherry & 2 others Respondent (s)

Mr Mathew J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(Hon'ble Shri SP Mukerji, V.C.)

In this application dated 28.1.1992, the applicant who has been working as a Laboratory Assistant in the Technology Mission Project, Chettallai under the Ministry of Health has challenged the impugned order dated 22.1.1992 transferring her from Chettallai to Ponnani, a distance of around 250 KMs from Chettallai. The applicant has stated that her husband is working at Ernakulam and she is living with the family there and attending to her work at Chettallai which is a distance of about 40 KMs from Ernakulam. Her contention is that there are other persons at

Chettallai who are better situated for such a transfer with less
familial problems. She has a younger child also to look after.

2. The learned counsel for the respondents stated that since the applicant has not exhausted the departmental remedy available to her through a representation, the application is premature. Though there is considerable force in the argument of the learned counsel for the respondents, the fact remains that since the order of transfers ~~effects~~^{brooks} no delay, she is justified in approaching this Tribunal to obtain a stay order.

3. In the above circumstances, we admit the application and dispose of the same with the direction to the applicant to submit a representation to the first respondent within a week from today and the first respondent is directed to dispose of the representation so received within a period of two weeks from the date of receipt. The applicant shall be retained at her present posting if not already relieved, till the disposal of the representation and the communication of the order thereon to the applicant.



(AV HARIDASAN)
JUDICIAL MEMBER



30.1.92
(SP MUKERJI)
VICE CHAIRMAN

30-1-1992

trs