

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.404/2006

MONDAY THIS THE 5TH DAY OF JUNE 2006

C O R A M:

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN

Annie Joseph, W/o CJ Joseph, Dufttry,  
O/o Garrison Engineer (Independent)(NW)  
Kochi - 682004, R/o Chemmayathu House.  
Ochanthuruthu P.O, Puthuvype.

Applicant.

(By Advocate Mr.R.Sreeraj)

Vs.

1 Union of India represented by its Secretary to Govt of India,  
Ministry of Defense, New Delhi.

2 The Chief Engineer, Military Engineer Services, Head Qtrs,  
Southern Command, Pune.

3 The Garrison Engineer (Independent)(NW), Kochi - 682004.

Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

O R D E R

HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

The applicant herein is aggrieved by the impugned order Annx.A1 dated 26<sup>th</sup> April 2006 issued by the CE SC Pune by which she has been transferred to Chief Engineer (Navac) Ezhimala. It is submitted that Ezhimala is a hard tenure station and a place 386 Kms away from Kochi. It is alleged that the transfer is in violation of para 26 of the Transfer

Guidelines at Annx.A3. The learned counsel for the applicant submitted that as per para 26 of the Transfer norms female employees are exempted from posting to the hard tenure stations and the respondents cannot justify the transfer on the ground of surplusage at Kochi Complex, which adjustments are covered by para 6 of the said guidelines, since the exemption ~~is~~ granted to female employees over-rides all other provisions of the guidelines.

2 It is submitted by the learned counsel for the applicant that the applicant has submitted Annx.A2 representation on the ground of education of her children, etc. The Staff Unions have also been taken up the matter before the authorities. The counsel for the applicant further submitted that in pursuance of the impugned order (Annx.A1), it is understood that orders had been issued for the relief of the applicant today, i.e on 5<sup>th</sup> june 2006 and that he will be satisfied if a direction is given to the 2<sup>nd</sup> respondent to dispose of the representation in accordance with para 28 of the aforesaid guidelines and also submitted that he may be permitted to supplement the grounds raised in the representation. Mr.TPM Ibrahim Khan, SCGSC, takes notice of behalf of the respondents.

3 On a perusal of the guidelines produced before me particularly, the exemption clause 26, as far as female Employees, are concerned, I am of the view that the respondents have to reconsider the matter before taking a final decision. It would be just and proper therefore if direction is given to the respondents to consider the issue in the light of the guidelines. Accordingly, the applicant is permitted to submit a comprehensive representation to the 2<sup>nd</sup> respondent within four days from the date of this order and the 2<sup>nd</sup> respondent shall consider and dispose of the representation within two

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weeks thereafter. Order at Annx.A1 in respect of the applicant be kept in abeyance till then. The O.A stands disposed of at the admission stage.

Sathi Nair

(Sathi Nair)

Vice Chairman.

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