

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 49/92

198

Exhibit No.

DATE OF DECISION 1-06-1992Smt. L. B. Joshi

Petitioner

Mr. Paul Sunderarajan

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. R. K. Shetty,

Advocate for the Respondent(s)

## CORAM :

The Hon'ble ~~Ex~~ Ms. USHA SAVARA, MEMBER (A)The Hon'ble Mr. ~~Ex~~ XXXXXXXXXXXX

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. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

*b. Savara*  
M(A) 1.6.92

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PRESOT ROAD; BOMBAY-400001

OA NO. 49/92

Smt. Lata Bhaskar Joshi  
Residing at Block No.B-12  
Madhushilp Housing Society  
Harihar Baug; Near Dwarka;  
Nasik City; Maharashtra

..Applicant

V/s.

1. Union of India  
through Secretary,  
Min. of Defence  
New Delhi 1
2. The Engineer-in-Chief  
Kashmir House; Army HQ;  
New Delhi 11
3. Chief Engineer  
Southern Command HQ  
Pune 1
4. Chief Engineer  
Bombay Zone HQ  
M&G Area; Assaye Buildings;  
Colaba; Bombay-5
5. Commander Works Engineers;  
Deolali Camp 422401  
Nasik Dist.
6. Garrison Engineer (South)  
Deolali Camp 422401; Nasik Dist. .. Respondents

Coram: Hon. Ms. USHA SAVARA, MEMBER (A)

ORAL JUDGMENT:

DATE: 1-6-92

(Per: Ms. Usha Savara, Member (Adm.))

Mr. Paul Sunderarajan, Adv. for the applicant  
Mr. R K Shetty, Counsel for the respondents.

This application has been filed impugning the order of transfer passed by Chief Engineer, Pune transferring the applicant from Deolali to Ahmedabad. The applicant is a civilian UDC working in the office of Garrison Engineer(South) Deolali Camp. On receipt of the order she made a representation to the Chief Engineer, Southern Command submitting that her husband was in a small job

out of station and was of no help to her. She has school going children, one of whom is in the XIIth standard and it was not proper time for her to be away from family; her old father-in-law and mother-in-law are dependent on her, they are sick and bedridden and are under medical treatment and there would be nobody left to look after them in her absence. She prayed that considering her family circumstances, she be given a chance to serve in Pune, Ahmednagar, Lohegaon etc., so that the education of the children would not be hampered and she would be able to visit them periodically. However, her representation was rejected and she was asked to join at Ahmedabad.

Mr. Paul Sunderarajan, learned counsel for the applicant submitted that similar transfer orders were passed in the case of lady UDCs of Bombay complex and that the same have been kept in abeyance till further directions from the Engineer-in-Chief, Army Head Quarters. He submitted that discriminatory treatment is being given to the applicant who was being posted out of Deolali and whose order of transfer has not been kept in abeyance.

Mr. Shetty, learned counsel for the respondents submitted that the transfer orders have been made on administrative grounds. The applicant was station senior and had served in Deolali for the last 20 years and was transferred on the ground of exigency of service and in public interest. The applicant has a All India

service liability and she was required to obey the orders of transfer failing which the respondents cannot hope to function efficiently and effectively. It was submitted by him that Deolali complex was having surplus UDCs and as per policy on posting and transfer in vogue, surplus staff are required to be liquidated in order to fill up the deficiency. Out of two surplus staff at Deolali, one male employee is transferred to Jamnagar and the applicant has been posted to Ahmedabad and the transfer is bonafide act and in the interest of the State and for smooth functioning of the organisation. It was further submitted by him that the applicant's representation was considered at length and since there were no vacancies available at the stations of the applicant's choice the same has been rejected. He drew our attention to the orders of the Supreme Court in the case of MRS. SHILPI BOSE & ORS. V. STATE OF BIHAR & ORS SC 1991, 591. He also brought to our notice the orders passed by the Ernakulam Bench of the Tribunal on 30.9.1991. In view of these orders, Shri Shetty prayed that the application be dismissed.

I have heard both the learned counsel. There are no allegations of malafide or violation of any executive instructions or orders. In the circumstances the application deserves to be dismissed on merit. However, considering the problems of the applicant who is a female Government servant her request for posting to any of the nearby stations could be considered by the respondents in the exigencies of service having regard to the vacancy and suitability, if such application is filed by the applicant for

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getting transfer to any of the stations mentioned by her (however this is not a direction).

Since the application is without any merit, the same is disposed with no order as to costs. The stay order granted to the applicant on 6.12.91 is vacated.

*U. Savara*  
(Ms. USHA SAVARA) 1.6.92.  
MEMBER (A)