

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00689/2016

DATE OF ORDER: 02.09.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Rinku Jadon D/o late Shri O.P. Jadon, aged about 37 years, R/o Plot No. 41, Virasat Apartment-4, F.F.-I, Surya Nagar, Taron Ki Koot, Jaipur, presently working as Training Officer in Regional Vocational Training Institute for Women, Jaipur, Jhalana Doongri, Jaipur – 302017, Group 'B'.

....Applicant
Mr. B.K. Jatti, counsel for applicant.

VERSUS

1. Union of India through Director General, Directorate General of Training, Ministry of Skill Development and Entrepreneurship, Shivaji Stadium II Floor, Shahid Bhagat Singh Marg, Cannaught Place, New Delhi – 110001.
2. Director Women Training, Directorate General of Training, Ministry of Skill Development and Entrepreneurship, Shivaji Stadium II Floor, Shahid Bhagat Singh Marg, Cannaught Place, New Delhi – 110001.
3. Joint Director of Training, Head of the Department, NVTI (W), Sector-I, D-I, R.V.T.I., Gautam Budh Nagar, NOIDA (U.P.).
4. Principal R.V.T.I. Jaipur, opposite K.V.-3, Jhalana Doongri, Jaipur – 302017.

....Respondents

ORDER

The matter relates to transfer of the applicant in the Department of Directorate General of Training, Ministry of Skill Development and Entrepreneurship.



2. Heard. Counsel for applicant submits that earlier the applicant was transferred from National Vocational Training Institute (N.V.T.I.), NOIDA to Regional Vocational Training Institute (R.V.T.I.), Jaipur vide order dated 14.07.2014 (Annexure A/5). Counsel for applicant further submits that this transfer was made on her request. Thereafter within just about a year, she was again posted to N.V.T.I., NOIDA vide order dated 02nd August, 2015 (Annexure A/2). The applicant submitted a representation dated 05.08.2015 (Annexure A/8) against her transfer order dated 02nd August, 2015 (Annexure A/2) requesting for the cancellation of the transfer on various grounds including family problems and the fact that the Longest Stayee Training Officer should have been posted out first. Counsel for applicant further submitted that no reply was received to this representation but almost after a year, directions were issued vide Annexure A/1 order dated 24th August, 2016 to relieve the officers immediately who have not yet been relieved as per two Office Orders dated 02nd/3rd August, 2015. In pursuance of these directions, the applicant was relieved w.e.f. 31.08.2016 (AN) to join new place of posting at NVTI (W), NOIDA vide order dated 30.08.2016 (Annexure A/3). In this context, counsel for applicant submits that the applicant has been relieved after a year of passing of the transfer order without considering and replying to her earlier representation dated 05.08.2015 (Annexure A/8). Counsel for applicant further submitted that the applicant has also given a fresh representation on 29.08.2016 (Annexure A/9) in view of her genuine problems as also the fact that the senior-most Training Officer has not been transferred out and she has been transferred out, and prayed for an I.R. on her transfer and relieving order.

3. Considered the aforesaid contentions and perused the records. As upheld by the Hon'ble Apex Court in a catena of judgments, the Courts / Tribunals should not ordinarily interfere in transfer matters unless there is violation of statutory provisions, proven mala fides or that the order has not been issued by a competent authority, which does not appear so in the present case. However, considering the facts and circumstances of the case and specially that the applicant had already filed a representation dated 05.08.2015 (Annexure A/8) against her transfer order dated 02nd August, 2015 (Annexure A/2) and has also now filed a representation dated 29th August, 2016 (Annexure A/9) with reference to the order dated 24th August, 2016 (Annexure A/1) and transfer order dated 02nd August, 2015 (Annexure A/2), it is deemed just and appropriate to dispose of this O.A. at the admission stage itself with certain directions without going into the merits of the case, lest it prejudice the case of either side.

4. Accordingly, in view of the above position, the competent authority amongst the respondents is directed to consider and decide the representations dated 05.08.2015 (Annexure A/8) and dated 29th August, 2016 (Annexure A/9) within a period of three weeks from the date of receipt of a certified copy of this order (to be submitted by the applicant within one week from today).

5. It is further directed that till the decision is taken by the respondent-authority on the representations of the applicant, the effect and operation of the impugned order dated 24th August, 2016 (Annexure A/1) and transfer order dated 02nd August, 2015 (Annexure

A/2) and relieving order dated 30th August, 2016 (Annexure A/3), qua the applicant, shall remain stayed. If the applicant fails to submit a certified copy of this order within one week from today, the respondents would be free to proceed as per rules.

6. In view of the limited relief being granted, the requirement of issuing of notices to the respondents is dispensed with.

The Original Application is disposed of as above with no order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

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