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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.351/96

Date of order: 11.11.1996

Miss Bhagwati Madhyan : Applicant

Vs.

1. Union of India through Secretary Ministry of Industry, Deptt. of Industrial Development, Vigyan Bhawan, New Delhi.
2. Pushpendra Rai, Chief Controller of Explosives, Deptt. of Explosive, Nagpur.
3. Chief Controller of Explosives, Deptt. of Explosives (North Circle), Agra.
4. Mr.A.S.Ghoshal, Joint Chief Controller of Explosives office of Chief Controller of Explosives, Agra.
5. The Joint Chief Controller of Explosives, North Circle, Deptt. of Explosives, Faridabad.
6. Dy.Chief Controller of Explosives, Deptt. of Explosives, 453, Adarshnagar, 20 Dukan, Jaipur.

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Respondents

Mr.Shiv Kumar : Counsel for applicant

Mr.Asghar Khan - Briefholder of Mr.M.Rafiq counsel for respondents.

CORAM:

Hon'ble Mr.O.P.Sharma, Administrative Member.

PER HON'BLE MR.O.P.SHAFMA, ADMINISTRATIVE MEMBER.

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Miss Bhagwati Madhyan, has prayed that the respondents may be directed to give the applicant posting at Faridabad on the post of Assistant forthwith as posts of Assistant are lying vacant at Faridabad.

2. The facts of the case as stated by the applicant are that she joined the Department of Explosives under the Ministry of Industry, Govt. of India, in 1977 and earned further promotions. Vide Annex.A4 dated 25.5.95, options were called for,

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for appointment on the post of Assistant at various stations including Faridabad and Jaipur. Vide Annex.A5 dated 7.6.95, the applicant stated that she is willing to be posted at Faridabad only, on posting on promotion as Assistant. Thereafter, however the applicant was given posting at Jaipur on being granted promotion as Assistant. Her case in brief/that the posts of Assistant are still lying vacant at Faridabad and in view of the option given by her earlier she may be given a posting at Faridabad.

3. The respondents in their reply have stated, *inter alia*, that two other candidates who were senior to the applicant had also given their options for joining at Faridabad and they were accordingly offered the posting there. The applicant vide her application dated 31.8.95 had subsequently given her option for being posted at Jaipur on promotion. She had requested that she may be considered for posting at Faridabad as and when a post falls vacant there. Accordingly, vide order dated 7.9.95 (Annex.A1), she was promoted and given posting at Jaipur. Personal hardship to an individual cannot be a ground for posting an employee to a station of his or her choice. After the vacancies arose at Faridabad, no application was made by her for posting at Faridabad.

4. The applicant has also filed a rejoinder to the reply filed by the respondents. In the rejoinder it has been stated that two posts of Assistant have been lying vacant at Faridabad, one since 31.1.1996 and the other since 1.3.1996.

5. During his oral arguments, the learned counsel for the applicant reiterated that two posts of Assistant are still lying at Faridabad and there are no persons senior to the applicant who are now claiming the said post. He has therefore prayed that the respondents may be directed to consider the applicant's posting at Faridabad in view of her personal



difficulties as she is an unmarried woman staying alone at Jaipur.

6. We have heard the learned counsel for the applicant and have perused the material on record. The applicant had initially given her option for posting only at Faridabad but later-on she accepted her posting at Jaipur. No doubt a government servant does not have a right to be posted to the place of his or her choice. It is for the administrative authorities to decide what place of posting should be given to a particular employee having regard to the administrative considerations. However, if posts of Assistant, as contended by the applicant, are still lying vacant at Faridabad and there are no persons senior to the applicant either claiming the said post or who are to be offered this post, the respondents Nos. 2, 5 and 6 are directed to consider whether the applicant can be given a posting at Faridabad having regard to the administrative exigencies. They shall consider the matter within a period of two months after receipt of a copy of this order and also send a suitable reply to the applicant on consideration of the matter in accordance with the above directions.

7. The O.A stands disposed of at the stage of admission with the consent of the parties. No order as to costs.



(O.P. Sharma)

Administrative Member.