

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.446/2002

Date of order: 11.10.2002

G.B.Dangre, S/o Sh.Bali Ram Dangre, R/o CPWD Quarters, Room No.22, Vidyadhar Nagar, Sector-7, Jaipur, presently holding as Sub-Regional Employment Officer, Jaipur.

...Applicant.

Vs.

1. Union of India through its Secretary, Govt of India, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi.
2. Director General of Employment & Training, Mini. of Labour Shram Shakti Bhawan, New Delhi.
3. Shri P.C.Roy, Dy.Director General of Employment, Ministry of Labour, Shram Shakti Bhawan, Rafi Marg, New Delhi.

...Respondents.

Mr.P.P.Mathur - Counsel for applicant.

CORAM:

Hon'ble Mr.H.O.Gupta, Administrative Member

ORDER (ORAL)

The applicant is aggrieved of the order dated 24.9.02 (Annx.A1) whereby he has been transferred from Jaipur to Jammu and has prayed for quashing the same on various grounds stated in the application.

2. Heard the learned counsel for the applicant at length. The submission of the counsel for the applicant is that;
 - a) The applicant is an S.C employee and he has been transferred to a distant place of 1500 Kms away from his home-town which is Nagpur. He further submits that as per the guidelines of the Govt of India, SC/ST employees are required to be transferred near to their home-town.

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b) The wife of the applicant is employed in the Sales Tax Office at Bilaspur under the Govt of Chhatisgarh State. As per the policy of the Govt, the husband and wife are required to be posted at the same place.

c) The applicant has been transferred to Jaipur only two years back and as per the normal guidelines of the department, the transfer which has been made within two years is on account of other than normal policy of transfer. He further submits that in fact the transfer is punitive as it is based on the advice given by the National Commission for Women. He further submits that the said advice is misplaced because it is based on a joint complaint by the trainees working under the applicant. In the said joint complaint, a few female trainees have alleged for sexual harassment. Subsequently, these trainees have given in writing as may be given in the documents available on record, that they have signed the ^{seen} ~~that~~ complaint without knowing it contained the allegation of sexual harassment. They have further stated that they were under the impression that the joint complaint is for non-provision of the Typewriters in the Institute. He submits that the very foundation of the complaint is non-existent because the lady trainees have specifically stated that no such incident has taken place. He further submits that on the basis of such complaint he has been transferred.

d) The applicant has not yet been relieved from the office and still continues in Jaipur.

e) The applicant has given a representation dated 3.10.02 to respondent No.2, i.e. Director General of Employment & Training, New Delhi. He apprehends that he will be relieved at any time to his prejudice.

f) There are vacancies available at Nagpur and Jabalpur. Notwithstanding that it is a punitive transfer and not a normal one, Even if the respondent wants to transfer the applicant, he could be adjusted either at Nagpur or at Jabalpur, being an SC employee and also based on the fact that his wife is an employee at Chhatisgarh and is undergoing treatment for infertility requiring constant attention by the applicant.

3. We find that the representation dated 3.10.02 has not been decided by the authorities. Accordingly, without going to the merit of the case, I feel it is appropriate to dispose of the O.A at the admission stage itself with the direction to the applicant to file a fresh representation to respondent No.2, alongwith a copy of this order, within 10 days from today and by Speed-post to avoid any delay, in that event, respondent No.2 is directed to consider the case of the applicant sympathetically and dispose of the same by a speaking order within six weeks from the date of receipt of representation. In the event that the applicant complies with the direction as above, he shall not be relieved if not already relieved, till the disposal of the representation. In case he stands relieved, the applicant shall not be forced to join the new place of posting i.e. Jammu, till such time his representation is disposed of. The O.A stands disposed of with above directions.


(H.O.Gupta)

Member (A).