

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 161/2003

Smt. Mukta Gupta, aged about 38 years, W/o. Sunil Gupta, Resident of Qr. T-44/6, Military Dairy Farm, Mandla Road, Jabalpur.

... Applicant.

V e r s u s

1. Union of India,
Ministry of Defence,
through its Secretary,
Raksha Bhawan, New Delhi.
2. Deputy Director General of
Military Farms, West Block-3,
R.K. Puram, New Delhi.
3. Officer-In-Charge,
Military Farms Records,
Delhi Cantt - 110010.
4. Officer-In-Charge, Military
Farm, Mandla Road, Jabalpur.

... Respondents

Counsel :

Shri R.K. Gupta for the applicant.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)
(Passed on this the 13th day of March 2003)

This application has been filed seeking a direction for stay of transfer order from Jabalpur to Jhansi.

1. It is claimed by the applicant that she had been working as Lower Division Clerk in the respondents organisation. Initially she joined as Lower Division Clerk in Military Farm, Mhow in 1983. She was transferred to Jabalpur in 1995 on her request, as she married with one Shri Sunil Gupta who was at that time working as an Adv-
2. It is claimed by the applicant that she had been working as Lower Division Clerk in the respondents organisation. Initially she joined as Lower Division Clerk in Military Farm, Mhow in 1983. She was transferred to Jabalpur in 1995 on her request, as she married with one Shri Sunil Gupta who was at that time working as an Adv-

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cate. Subsequently Shri Sunil Gupta, the husband of the applicant had joined Government Service of Madhya Pradesh as a Teacher and has been posted in Jabalpur District. The claim of the applicant is that she was transferred to Mhow as per order dated 11th November 2002 (Annexure A/4). Persuant to that order, she applied for transfer and requested for being relieved. However the respondent No. 4 by letter dated 2nd December 2002 (Annexure A/7) has asked her to submit her willingness/unwillingness to include Mhow as a choice station in addition to Katni for posting to AG's branch. The grievance of the applicant is that having been transferred to Mhow and also having received the transfer advance of Rs. 10,000/-, the impugned order dated 30th December 2002 (Annexure A/13) cannot be held to be justified. It is claimed that the husband of the applicant being a State Government employee cannot be transferred to Jhansi which is ⁱⁿ another State. Aggrieved by the impugned order dated 30th December 2002 (Annexure A/13), the applicant has sent a representation dated 03/01/2003 (Annexure A/18) to respondent No. 2. At the time of hearing of this application for admission, it was informed by the learned counsel of the applicant that this representation has since been rejected by order dated 4th March 2003. However copy of the same has not been placed on record so far. It is further stated by the learned counsel of the applicant that the minor children of the applicant cannot live alone if the applicant is suddenly transferred. All the three children of the applicant are studying in Swamy Ayyappa School, Jabalpur in LKG and the elder in Class-1. The learned counsel stated that any transfer at this stage will be inconvenient and will adversely effect the studies of the children. It was therefore urged that as an alternative, the transfer order should

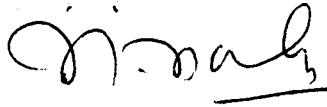
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S. N. Chaturvedi

be stayed till middle of May.

3. After hearing the learned counsel of the applicant and after considering the material available on record and without expressing any opinion on the merits of claim of the applicant, we are of the view that the applicant should make a fresh representation to respondent No. 2 under intimation to respondent No. 3 and 4. In such a representation all the facts should be properly incorporated, particularly the details of education of the children and the service of the husband. In case, the applicant complies with our direction as stated herein-before within 2 weeks from today, the respondent No. 2 is directed to dispose of the representation filed a-fresh within a period of 2 months from the date of its receipt by a reasoned and speaking order under intimation to the applicant. Pending disposal of such a representation the impugned order dated 30th December 2002 (Annexure A/13) may not be enforced.

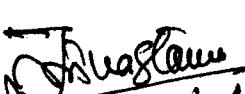
4. Subject to the direction in the preceding paragraph this application is disposed of at the admission stage itself.


(R.K. UPADHYAYA)
MEMBER (A)


(N.N. SINGH)
VICE CHAIRMAN

प्रांकज सं. ओ/व्हा....., जवलपुर, दि.....
प्रतिलिपि अवृंदितः—
(1) संदित, उच्च व्यायालय बार एसोसिएशन, जवलपुर
(2) अमेड़क श्री/श्रीमती/कु..... के काउंसल
(3) प्रसादी श्री/श्रीमती/कु..... के काउंसल
(4) बंधपाल, को.प्र.अ., जवलपुर व्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु


उप राज्यपाल
17/3/03