

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

Original Application No.330/00456/2018

This the 7th day of May, 2018

Hon'ble Dr. Murtaza Ali, Member (J)

Hon'ble Mr. Gokul Chandra Pati, Member (A)

Arvind Kumar Gautam aged about 53 years son of late Shyam Sunder resident of HIG 16, Rapti Nagar Phase -4, District- Gorakhpur.

Applicant

By Advocate: **Sri P.M. Tripathi**

Versus

i) Union of India through Secretary, Information and Broadcasting Department, New Delhi.

2. Additional Director General (NZ) Akashvani & Doordarshan, Jamnagar House, Shahjahan Road, New Delhi.

3. Deputy Director (Engineering)/Centre Incharge, Akashvani & Doordarshan, Gorakhpur.

Respondents

By Advocate: Sri L.P. Tiwari

By Hon'ble Dr. Murtaza Ali, Member (J)

The applicant has filed this O.A. for quashing the impugned transfer order dated 2.4.2018 by which the applicant who is working on the post of Engineering Assistant has been transferred from Gorakhpur, AIR to Jodhpur AIR. He has also prayed to stay the operation of the impugned order during the pendency of this O.A.

2. It is stated that the daughter of the applicant Shivani Kumari is handicapped and suffering from Low Visible disease and in view of O.M. dated 17.11.2014 issued by the DOP&T, the applicant is not liable to be transferred. It is also stated that he has preferred a representation dated 4.4.2018

(Annexure A-7) for modification/ cancellation of his transfer order and the said representation is still pending.

3. Learned counsel for applicant has also drawn our attention towards O.M. dated 6.6.2014 (Annexure A-4) and O.M. dated 17.11.2014 (Annexure A-4). The O.M. dated 17.11.2014 issued by DOP&T provides that Govt. employee should be exempted from transfer if he is a care giver of disabled child from the routine exercise of transfer/ rotational transfer subject to the administrative constraints. The word 'disabled' includes blindness or low vision. The applicant has also produced medical report of her daughter showing her disability. The representation filed by the applicant has not yet been disposed of.

4. In view of the above, we direct the respondents to decide the representation dated 4.4.2018 of the applicant in view of the O.M. dated 17.11.2014 by passing a reasoned and speaking order and till the disposal of representation of the applicant, the applicant shall not be forced to join at the transferred place.

5. With the above observations, O.A. stands disposed of.
No order as to costs.

(Gokul Chandra Pati)
Member (A)

(Dr. Murtaza Ali)
Member (J)

HLS/-

