

**Central Administrative Tribunal
Principal Bench, New Delhi**

RA No. 159/2016
In
OA No.2162/ 2015

New Delhi, this the 16th day of August, 2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Raj Vir Sharma, Member (J)

Ms. Ritu D/o Late Sh. A.N. Mehra
R/o D-371. Moti Bagh-I
New Delhi.Applicant.
(By advocate: Mr. Sri Gopal Aggarwal)

Versus

1. Union of India
Through Secretary,
Ministry of Urban Development
New Delhi
2. Director General
CPWD, Nirman Bhawan
New Delhi.
3. Dy. Director General (Co-ordination) (NR)
Office of CPWD
East Block-1, Level -VII
R.K.Puram, N. Delhi-66 Respondents

(By Advocate: Mr.Yogesh Mahur, proxy for Mr. Gyanendra Singh)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

Heard the learned counsel for the applicant as well as the learned counsel for the respondents. Review Application has been filed only on one ground that the policy for transfer and posting regarding LDCs promoted as UDCs, states that " those promoted to UDC against examination quota are liable to be transferred out depending on the administrative requirement of the department."

2. It is the contention of the learned counsel for the applicant that this clearly implies that only those promoted as UDCs against the examination quota are liable to be transferred out depending on the administrative requirement of the department and since the applicant had been promoted based on seniority he cannot be transferred out. We asked whether there is any specific provision prevalent for those who were promoted as UDC, based on seniority that they cannot be transferred. The learned counsel for the respondents stated that there is no such specific rule but the above quoted provision implies that those who got promotion as UDC based on seniority are not liable to be transferred out.

3. To the contrary, learned counsel for the respondents states that there is no specific provision that LDCs who have become UDCs on promotions cannot be transferred out of station. It is further stated that the applicant was appointed in the year 1981 and she has never gone outside of Delhi.

4. Based on our interpretation that above quoted provision does not prevent promoted UDC based on seniority from being transferred out we passed order dated 25.07.2016 in OA No.2162/2015. We, therefore, do not agree with the interpretation of the learned counsel. While the applicant is free to differ with our interpretation and conclusion, this cannot be a ground for review. This Review Application is, therefore, dismissed. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member A)

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