

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

O.A. No. 357/2016

New Delhi, this the 18th day of October, 2016

**Hon'ble Mr. Justice M. S. Sullar, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)**

Neha Yadav
D/o. Sh. Gyanender Singh
R/o. Village Bagdala, Sec.8,
Dwarka, New Delhi-110 077.
Aged about 22 years
(LDC/civilian staff of respondents) Applicant

(By Advocate : Mr. Ajesh Luthra)

Versus

1. Union of India,
Through the Defence Secretary,
Ministry of Defence,
South Block, New Delhi-110 011.
2. Director General of Ordnance Service,
(OS-8C), Master General of Ordnance Branch,
IHQ of Ministry of Defence (Army), New Delhi-110 011.
3. Adjutant General,
Adjutant General's Branch,
West Block-III, R. K. Puram, New Delhi-110 066.
4. Record Office,
Army Ordnance Corps,
14 Corps, OMC, C/o. 56 APO,
PIN-900 0453
5. Officer Commanding,
14 Corps OMC,
C/o. 56 APO, PIN-909 814Respondents

(By Advocate : Mr. Vijay Kumar Sharma)

O R D E R (ORAL)

Justice M. S. Sullar, Member (J).

The contour of the facts, relevant for deciding the instant Original Application (O.A), and emanating from the record is that, applicant Ms. Neha Yadav was appointed as Lower Division Clerk (LDC) and was posted

at Leh Ladhak at 14 Corps, OMC, C/o 56 APO. Due to high altitude area and extreme cold, she was suffering from severe pain and swelling in her hands and feet. After medical examination, it was diagnosed that she was suffering from Chilblain. The 153 General Hospital declared her unfit for HAA/ECC on 16.2.2015 vide medical certificate (Annexure A/2). As a consequence thereof, she submitted a representation dated 17.02.2015 (Annexure A/3) to the competent authority for posting her out of high altitude area of Leh and at Delhi for her treatment of continuous health problem, but the respondents did not consider her request. It was claimed that she repeatedly filed representations (Annexures A/7 & A/8) (Colly) to the authorities and issued legal notice dated 18.09.2015 (Annexure A/9) for redressal of her grievance, but in vain.

2. According to the applicant, once she was declared unfit for posting on high altitude area by the hospital of the respondents, then they were duty bound to accept her genuine request. On the strength of aforesaid grounds, the applicant preferred the present O.A, seeking a direction to the respondents to transfer/post her out of Leh Ladhak to her home town, Delhi, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

3. In the wake of notice, the respondents appeared and filed their short reply, wherein it was acknowledged that the grievance of the applicant has already been redressed departmentally and she stand transferred to Delhi vide order dated 04.03.2016 (Annexure A/3) on compassionate grounds. She has already joined her duty in Delhi office. Learned counsel for the applicant has acknowledged this factual matrix.

4. Meaning thereby, since the respondents have already redressed the grievance of the applicant, so the instant O.A becomes infructuous.

5. Therefore, the instant O.A, is hereby dismissed, as having become infructuous.

Needless to mention, the applicant would be at liberty to file a representation to the competent authority with regard to the treatment of interregnum period, as prayed for.

(Dr. B. K. Sinha)
Member (A)

(Justice M. S. Sullar)
Member (J)
18.10.2016

/Mbt/