

**Central Administrative Tribunal
Principal Bench**

OA No.1291/2017

New Delhi, this the 8th May, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Lt. Aakanksha Sharma, Aged about 34 years, Group 'A'
D/o Shri Suresh Chandra Sharma
R/o 1504, Yucca Paramount Symphony
Crossings Republic, Ghaziabad
Uttar Pradesh-201016. ..Applicants

(By Advocate: Shri Ajesh Luthra)

Versus

1. Union of India
Through its Secretary
Ministry of Defence
South Block, New Delhi-110011.
2. The Director General
National Cadet Corps
West Block-IV, R.K. Puram
New Delhi-110066. ..Respondents

(By Advocate: Shri Hanu Bhaskar)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

Shri Hanu Bhaskar, appearing for respondents under instructions has made a statement that the applicant is posted at Ghaziabad since 2008. This position is also not disputed in

the OA by the applicant. To the contrary, the applicant admitted that she joined at Ghaziabad in May 2008.

2. Shri Ajesh Luthra, learned counsel appearing for the applicant submits that in between the applicant was transferred to Anantpur in Andhra Pradesh. Averments have been made in this respect in para 4.8 wherein it is stated that vide posting order dated 04.04.2011, the applicant was posted to Anantpur, Andhra Pradesh which was far away from Bilaspur, i.e., where the applicant was residing with her husband. She submitted a representation to change the place of posting. The applicant thereafter joined at Anantpur, Andhra Pradesh on 21.11.2013 by submitting a joining report on the same date and attended the office till 23.11.2013. However, vide letter dated 22.01.2014 the applicant was informed that her transfer to Anantpur, Andhra Pradesh is cancelled. The applicant thereafter resumed her duties on 13.02.2014 at Ghaziabad and since then she is serving there. Shri Bhaskar has brought to our notice the averments from the OA at page 167 which is an order passed by the Officiating Director General, National Cadet Corps, Maj. Gen. J.S. Sandhu, in pursuance to orders dated 03.06.2016 passed by the Central Administrative Tribunal, Principal Bench in OA No.2025/2016 in para 4(a), stated that the applicant has been

absent from duty w.e.f. 15.10.2009 to 20.11.2013 and from 22.11.2013 till 12.02.2014 without any sanctioned leave. The total absence is said to be 1532 days. It is accordingly stated that the applicant remained absent for a considerable period even during her posting at Ghaziabad.

3. Shri Luthra's main contention is that there are various service related issues of the applicant which are required to be settled at Ghaziabad and unless the issues are settled there, she should not be transferred from Ghaziabad. This seems to be the only ground challenging the impugned order of transfer whereby the applicant has been transferred from Ghaziabad to Burdwan, West Bengal. It is settled law that the order of transfer can be interfered by the Tribunal/Court under the specific circumstances, i.e., (i) if the transfer is ordered by an incompetent authority (ii) the same is *mala fide* (iii) the same is contrary to the rules/norms. In the present case none of these conditions have been breached. Shri Luthra submits that the applicant is also not interested to stay at Ghaziabad but for the pending issues. Suffice it to say that in so far as the pending service related issues are concerned, in the event the applicant's personal presence is required, she shall be entitled to TA and DA for such visits to Ghaziabad. With these

observations, we do not find any valid ground to interfere in the impugned order. OA is dismissed.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/