

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 2281/2014

New Delhi, this the 20th day of November, 2015

**HON'BLE MR. P.K. BASU, MEMBER (A)
HON'BLE MR. RAJ VIR SHARMA, MEMBER (J)**

Mrs. Najma Raza, TGT (LT)
Aged 42 years,
W/o Mr. Mohd. Rafat Khan,
R/o A-64, 2nd Floor,
Ashoka Enclave-2, Sector-37,
Faridabad-121003. .. Applicant

(By Advocate : Shri Lohitaksh Shukla)

Versus

1. Directorate of Education,
NCT of Delhi,
Through Deputy Director of Education (ND),
Plot No.5, Jhandewalan, New Delhi.

2. Dr. Rajendra Prasad,
(Govt.) S. Vidyalaya,
Through its Principal,
President Estate,
New Delhi-110004.

3. Govt. Girls Senior Secondary School (GGSSS),
Through its Vice Principal-HOS,
Pataudi House, Daryaganj,
New Delhi-110002.

4. Govt. of NCT Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.T.O.,
New Delhi. .. Respondents

(By Advocate : Shri Vijay Pandita)

ORDER (ORAL)**By Hon'ble Mr. P.K. Basu**

The grievance of the applicant, who is a Trained Graduate Teacher in Directorate of Education, Govt. of NCT of Delhi, is that she was handed over the relieving order dated 09.10.2012, relieving her from President Estate-SV (Dr. Rajinder Prasad)-2026001 with immediate effect to join duties at Darya Ganj, Pataudi House-GGSSS-2127020. Admittedly, the applicant received relieving order dated 09.10.2012, on 10.10.2012. However, it is stated that she was on medical leave on 10th, 11th and 12th October, 2012. Moreover, it is alleged that she was never handed over the transfer order dated 05.10.2012.

2. In fact, the learned counsel for the applicant pointed out that the transfer order, though dated 05.10.2012, was actually issued on 08.10.2012. Learned counsel states that the date of the order is shown as 05.10.2012 (Annexure A-11) whereas at the bottom of the page, the date of printout is recorded as 08.10.2012. However, it is reiterated that the applicant never received this transfer order until 08.04.2013 and she joined the new place of posted on 28.04.2013. When the applicant did not join the new place of posting on time, she was issued a show cause notice dated 31.1.2013.

3. The prayer of the applicant in this O.A. is as follows:

“Relief(s) :

- (A) Declare S.C.N. dated 31.1.2013 issued by Respondent No.1 as bad in law and illegal qua aforesaid and set aside.
- (B) Order/direct the Respondents to treat the applicant continued on duty and regularised her from dated 10.10.2012 to 28.4.2013 keeping in view of law and order dated 29.10.2012 passed by this Hon'ble Tribunal and applicant's clarifications vide letters dated 15.10.2012, 18.12.2012, 7.2.2013, 19.4.2013, 3.5.2013 and 6.9.2013.
- (C) Order/direct the respondents to pay her salary and allowances dues w.e.f. 10.10.2012 to 28.4.2013 along with 12% p.a. interest after revision in pay scale as per MACP scheme.
- (D) Order/direct a suitable enquiry against the guilty officials for the wrongful acts and fix the responsibility as per procedure established under law.
- (E) Order and direct suitable compensation and cost to the applicant towards her harassment, victimisation, suffering and damage of her social, financial and physical losses and career and reputation etc.
- (F) Pass any such other/further order/direction which this Learned Tribunal deems fit and proper in the facts and circumstances of the present case.

Interim Relief(s):

- (A) Pending O.A. the respondent No.3 be directed to consider applicant's date of joining from dated 12.4.2013 at G.G.S.S.S., Daryaganj, immediately, to uphold the dignity of the judicial administrations and order passed by this Hon'ble Court on dated 29.10.2012.**
- (B) Direct/order the Respondents not to victimise and harass applicant in any manner with evil designs or create unnecessary administrative complication etc.

(C) This learned Tribunal may be pleased to pass any such other/further order/direction which this learned Tribunal deems fit and proper in the facts and circumstances of the present case.”

4. Learned counsel for the applicant also drew our attention to some notings filed with his rejoinder as Annexure RJ-2 in a matter relating to some previous incidents and tried to establish that the respondents have bias against her and, therefore, only to harass her, they did not hand over the transfer order and, thus, not enabling her to join at new place of posting and now taking this ground, they have issued the show cause notice.

5. We have heard the learned counsel for both the parties.

6. The simple fact is that the Govt. servant, viz. Mrs. Najma Raza, was transferred from a School located in President Estate, where she has admittedly continued to be posted since August, 2002, i.e. for more than 11 years, and she was transferred a few kilometres away to another School at Daryaganj, New Delhi. Admittedly, she received the relieving order on 10.10.2012. The transfer order issued on 08.10.2012 would have been available in both the schools according to normal Govt. practice. Even if, it is not so, as a disciplined Govt. servant, based on the relieving order, she should have joined at the new place of posting. Apparently, she chose not to do so, on the ground that she has not received the transfer order.

In our view, this is an absolutely frivolous ground for a Govt. servant to defy a Govt. direction. In fact, that is why the Department has issued a show cause notice to her regarding her absence from duty.

7. We find no reason at all to interfere in this matter and the O.A. is, therefore, dismissed. In our view, the applicant has clearly wasted the time of this Tribunal and public exchequer by involving the Govt. in this litigation when the only direction to her was to join within Delhi from one school to another after 11 years of serving in that earlier school and for that, we award a cost of Rs.25,000/- on the applicant to be paid to the respondents.

(Raj Vir Sharma)
Member (J)

(P.K. Basu)
Member (A)

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