

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2347/2017

Wednesday, this the 19th day of July 2017

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

Smt. Sulekha Singh, AE (QA)
(Aged about 34 years)
w/o Shri Vindyachal Kumar
HQ DGQA (PP&T)
H Block, Nirman Bhawan PO
New Delhi -110 011
r/o F-93, Road No.2, Andrews Ganj
New Delhi – 110 049

..Applicant

(Mr. G D Bhandari, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Defence
Department of Defence Production
Room No.136, South Block, New Delhi – 110 011
2. The Additional DGOA (L)
Directorate of Quality Assurance (DGQA/L-2)
Department of Defence Production
G-Block, Nirman Bhawan, New Delhi – 110 011
3. The Adm. Officer
SQAQ, SQAQ (L)
19/13, National Stadium, New Delhi – 110 001
4. The Additional Director of Quality Assurance
Directorate of Quality Assurance (Electronics)
DHQ PO Nirman Bhawan,
New Delhi – 110 011

..Respondents

(Mr. Shlok Chandra, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Notice.

2. Mr. Shlok Chandra, learned counsel appears and accepts notice on behalf of respondents.

3. This O.A. has been filed challenging the transfer of the applicant vide order dated 21.04.2017 wherein her name figures at Sl. No.26. The applicant has been transferred from New Delhi to SQAE (L), Secunderabad. These are the general transfers involving as many as 63 officers. The applicant earlier made a request for payment of TA/DA vide her application dated 03.07.2017 (Annexure A-9) to enable her to join at the place of transfer. We fail to understand as to why the respondents have not paid transfer TA/DA to the applicant. She made a separate representation seeking extension of joining time. This request was rejected by the respondents vide order dated 09.05.2017 (Annexure A-2). The applicant made yet another request for deferment of the posting/relieving, which also came to be rejected vide communication dated 12.07.2017 (Annexure A-3). She has taken two grounds to challenge the order of transfer, viz. (i) her children are studying in Delhi and she has already paid their annual fees; and (ii) she has not been paid transfer TA/DA by the respondents.

3. Learned counsel for applicant relies upon the transfer policy dated 24.11.2016 (Annexure A-16). Paragraph 10 (d) of the policy, *inter alia*, provides that "Request of an official for retention at a station maximum by 01 year may be considered on grounds of education of his/her children once in entire service career." Learned counsel for applicant seeks to invoke this provision of the policy and prays for interference in the transfer order.

4. In the O.A., the applicant has not mentioned the age of her children and the classes in which they are studying. However, on an inquiry by the

Tribunal from learned counsel for applicant, it has been revealed that one children is studying in 3rd standard and the other in nursery. We are of the considered view that at this age and stage of the children, the impugned transfer of the applicant cannot be interfered. One can understand if the children are studying in higher standards, like matriculation or 12th standard where study can be affected on transfer. However, study of children at the levels of 3rd standard and nursery cannot at all be affected, as Secunderabad is also a place where the children can study at such levels. We do not find any valid ground to interfere on this ground.

5. However, the grievance of the applicant that she has not been paid transfer TA/DA seems to be genuine. As a matter of fact, the respondents should have paid the transfer TA/DA when she made a request. Be that as it may, we direct the respondents through their counsel, who is present in the Court, to pay transfer TA/DA to the applicant by the end of this week to enable her to join at the place of transfer. If the applicant fails to join, the respondents are at liberty to take appropriate proceedings in accordance with law.

6. O.A. stands disposed of.

Order **dasti**.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

July 19, 2017
/sunil/