

Central Administrative Tribunal
Principal Bench

OA No.2458/2017

New Delhi this the 26th day of July, 2017

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

Vaishali Dayal, Regional PF Commissioner,
W/o Sh. Niraj Dayal, Aged about 46 years,
R/o Brahma Emerald County,
Kondhwa, Pune- 411048. ...Applicant

(By Advocate: Shri S.K. Khanna)

Versus

1. The Chairman,
The Central Board of Trustees,
EPF (Under Ministry of Labour & Employment),
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001.
2. The Central Provident Fund Commissioner,
(Under Ministry of Labour & Employment),
Bhavishya Nidhi Bhawan,
EPF Organization,
14, Bhikaji Cama Place,
New Delhi – 110 066.
3. The Additional Central Provident
Fund Commissioner,
2nd Floor, Pune Cantonment Board Building,
Golibar Maidan Camp,
Pune – 411 001. ...Respondents

O R D E R (Oral)

Justice Permod Kohli:

Keeping in view the facts and circumstances of this case, including the fact that the representation of the applicant against her transfer has not been disposed of till

date, this OA is being disposed of at the admission stage itself.

2. The applicant is working as Regional PF Commissioner. She was transferred to the Regional Office, Pune on 20.03.2017. Vide the impugned order dated 05/06.07.2014, she has been transferred from Regional Office, Pune to Zonal Office, Guwahati. She has also been relieved by virtue of same order.

3. The applicant has challenged the aforesaid order in the present OA on three grounds: (i) the same is violative of the Transfer Policy as notified by the respondents on 06.01.2016; (ii) the children of the applicant are studying in Class 12th and 9th respectively at Pune and on account of her transfer, their studies would be adversely affected, particularly one, who is studying in Class 12th as the examination is likely to be held in February, 2018; and (iii) the husband of the applicant is posted in L.I.C. at Pune and according to the transfer norms, the husband and wife should be posted at the same place. The applicant has made a representation digitally on 07.07.2017. A copy of the representation has also been placed on record as Annexure A-4.

4. In view of the fact that the representation of the applicant has not been examined till date, we dispose of this OA with a direction to the competent authority to examine and consider the representation of the applicant, referred to hereinabove, and take a decision thereon by passing a reasoned and speaking order, within a period of one month from the date of receipt of a copy of this order. It is further made clear that while disposing of the representation of the applicant, the competent authority would also take note of the Transfer Policy, the facts mentioned in the representation particularly the study of the elder child of the applicant, her husband's posting at Pune and the order dated 31.01.1994 passed by the Hon'ble Supreme Court in case of **Director of School Education vs. O. Karuppa Thevan** [1994 (SCC) Supl.(2) 666] relied upon by the applicant.

(K.N. Shrivastava)
Member (A)

(Permod Kohli)
Chairman

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