

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2591/2016

Reserved on: 03.08.2016
Pronounced on: 11.08.2016

HON'BLE MR. V.N.GAUR, MEMBER (A)

Pramila Jain (Aged about 57 years),
W/o Hemant Kumar Jain,
R/o Flat No.38, Neelgiri Apt.Sec-9,
Rohini, Delhi
Designation-PGT (Chemistry).

... Applicant

(By Advocate: Mr.S.N.Sharma)

VERSUS

1. Union of India
Through its Secretary,
Ministry of Human Resources &
Development, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi.

2. Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016

3. Principal,
Kendriya Vidyalaya,
Pitampura, New Delhi.

... Respondents

ORDER

The applicant is a PGT (Chemistry), presently working at Kendriya Vidyalaya, Pitampura, New Delhi (respondent No.3). She is aggrieved by the transfer order dated 26.07.2016 issued by respondent no.2 transferring her from Kendriya Vidyalaya code 1434-Pitampura to 1118 Khandwa. Learned counsel submits that the domestic circumstances of the applicant are such that she is not able to take up

her new assignment at Khandwa. The applicant was earlier working at Kendriya Vidyalaya, Masjid Moth from where she was transferred to Kendriya Vidyalaya, Pitampura vide order dated 25.05.2007 "under medical ground". The domestic circumstances have not improved during these years as applicant's father suffered a severe cerebral stroke in May, 2016; mother in law is suffering from cardiological problems since May, 2016; applicant's husband suffered a heart attack in 2005 and had to undergo bypass surgery; and the applicant herself had to undergo coronary angiography due to intermittent chest pains. As there is no one else to look after her family member as also to avail of the medical facilities at Delhi, the continuation of applicant in the present place of posting is a necessity.

2. From the perusal of the paper book and from the submissions of the learned counsel it is found that the applicant has not made any representation to the respondents bringing out the difficulties she is facing and the reason as to why she is not in a position to move to Khandwa to take up her new assignment. Section 21 of the Administrative Tribunals Act, 1985 also provides that an applicant has to exhaust all the remedies available to him/her before approaching this Tribunal.

3. In these circumstances the OA is disposed of in limine with a direction to the applicant to make a comprehensive representation to the respondents within a period of two days mentioning all the grounds because of which she is not in a position to take up her new post at Khandwa and the respondents shall take a decision on that representation within a period of four weeks thereafter through a reasoned and speaking order. The respondents shall not take any coercive measure to relieve the applicant from her present post at Pitampura till her representation is disposed of finally. Needless to say,

that she will have liberty to approach this Tribunal again if the grievance of the applicant still subsists.

(V.N.Gaur)
Member (A)

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August 11th, 2016