

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No. 2162/2015

This the 25<sup>th</sup> July, 2016

**Hon'ble Shri P.K. Basu, Member (A)**  
**Hon'ble Shri Raj Vir Sharma, Member(J)**

1. Ms. Ritu (Aged about 51 years)  
D/o late Sh. A.N. Mehra  
R/o D-371, Moti Bagh-I  
New Delhi  
Working as LDC O/o CPWD  
Superintending Engineer  
DCEC-VII, East Block-I  
R.K. Puram, New Delhi. ... Applicant

(By Applicant in person)

**Versus**

Union of India through

1. Secretary  
Ministry of Urban Development  
New Delhi
2. Director General  
Central Public Works Department  
Nirman Bhavan, New Delhi
3. Dy. Director General (Coordination) (NR)  
Office of CPWD  
East Block-I, Level-VII  
R.K. Puram, New Delhi-11006 ... Respondents

(By Advocate: Shri Yogesh Mahur for Shri Gyanendra Singh)

**Order (oral)****Hon'ble Mr. P.K. Basu, Member (A)**

Heard the applicant who appears in person. The issue is that the applicant is working as LDC. She was promoted as UDC and was transferred vide order dated 22.4.2015 from Delhi to Dehradun. Her grievance against the respondents is that the department has followed pick and chose policy and others, who did not forgo their promotion, have been retained as UDC in Delhi which is discriminatory.

2. She has also submitted that there is a policy of the department that those who get promoted as UDC in the normal channel, are not posted outstation. However, she is unable to produce any document/rule in support of her assertion.

3. On the other hand, the respondents have submitted that the policy of the Govt. is quite clear that on promotion one has to move out of the current place of posting. The other alternative is for the applicant to forgo her promotion. It is, therefore, argued that there is nothing wrong on the part of the respondents in transferring her from

Delhi to Dehradun. It is further stated that, moreover, negative equity cannot be a ground to seek any relief.

4. The O.A. is, therefore, dismissed being devoid of merit. No costs. However, the department will examine whether there is any case in which a person who has been promoted from LDC to UDC and who did not forgo the promotion, has been retained in the earlier place of posting. If that is so, the department should follow a uniform policy and transfer all these UDCs outside the present place of posting.

**( Raj Vir Sharma )**  
**Member(J)**

**( P.K. Basu )**  
**Member(A)**

sarita