

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

O.A.No.3240/2016

This the 23rd day of September, 2016

Hon bleMr. A.K. Patnaik, Member (J)
Hon 'bleMr. K. N. Shrivastava, Member (A)

Smt. TahiraShaheen
W/o Mohd.Shoukat,
R/o E-540, Jatput Part-II
(Khada Colony), Badapur,
New Delhi..... Applicant

(By Advocate: ShriRajeev Sharma)

1. Director of Local Bodies,
Govt. of NCT of Delhi,
Delhi Sachivalaya, IP Estate,
New Delhi-110002.

2. Commissioner,
South Delhi Municipal Corporation,
9th Floor, Civic Centre, JLN Marg,
New Delhi-110002.

3. Commssioner,
East Delhi Municipal Corporation
419, UdyogSadan, Patparganj Ind. Area,
New Delhi-110092.

4. Director (Education)
North Delhi Municipal Corporation
23rd Floor, Civic Center, JLN Marg,
New Delhi-110002.

ORDER(ORAL)

By Hon'ble Mr. A.K. Patnaik, Member(J):

Heardthe learned counsel for the applicant.

This OA has been filed by the applicant under Section 19 of Administrative
Tribunal Act, 1985 with the following reliefs:

*“(a) to issue direction to the respondents to issue order of posting
in favour of the applicant to act as Primary Teacher (Urdu).*

- (b) *to issue direction to the respondents to pay outstanding salary to the applicant forthwith.*
- (c) *the Hon'ble Tribunal may pass any other order/direction as deemed fit and proper in the circumstances of the present case and in the interest of justice."*

2. The brief facts of the case are that the applicant has been appointed as regular Primary Teacher (Urdu) vide appointment letter dated 23.12.2014. Initially she was posted in Primary School, 1st, Trilokpuri, East Delhi Municipal Corporation (EDMC). The applicant is having responsibility of her children who are school going and on account of her posting in EDMC, she was not in position to discharge her family responsibilities. Moreover, the required supervision also became a challenge to the applicant in respect of her children. Applicant was also facing medical related difficulties in the family and her mother-in-law was not keeping well. In these circumstances, a proper representation was made by the applicant with the request that the applicant may be transferred to South Delhi Municipal Corporation (SDMC) and may be posted in the school. The request of the applicant has been entertained by the Competent Authority.

3. Vide orders dated 05.01.2016, applicant was transferred to SDMC after the respective orders of Commissioner, EDMC and SDMC. The applicant was directed to get herself relieved from Primary School, 1st, Trilokpuri, Shahdara South Zone and to report to Director (Edu.), SDMC for further course of action regarding her joining.

4. The applicant got relieved from school of EDMC in compliance of order dated 05.01.2016, immediately thereafter on 07.01.2016 (FN), applicant submitted her request of joining duty in SDMC and such request was submitted before respondent No.4. In spite of the submission of aforesaid joining request dated 07.01.2016, however, every day applicant has reported for duty with the request that she may be given a particular school as posting place, so that she can discharge her duties and responsibilities as Primary Teacher (Urdu).

Since the applicant was not given any place of posting in spite of her admitted joining dated 07.1.2016, she was continuously not only submitting herself for duty but was also making efforts to convince the responsible officers to implement the order as issued by respondent No.2 and 3. During the discussion, the applicant was informed that she will not be given any posting order if her transfer is not approved by respondent No.1. Hence the applicant was left with no other option but to approach respondent No.1.

5. In such a scenario, we find that the Annexure-4 order of respondent no.1 dated 27.07.2016 which has to be complied with, by the respondent No.4. Learned counsel for the applicant submitted during the course of argument that the respondent no.4 is to act upon by the order passed by respondent No.1

6. In view of above, without keeping the matter pending, we dispose of the instant OA at the admission stage itself, by directing the respondent No.4 to comply with the order dated 27.07.2016 under Annexure-4 within a period of two weeks from the date of receipt of a certified copy of this order under intimation to the applicant and not to take any coercive action against the applicant. This order will not stand as a bar on the part of the respondents to release the salary of the applicant for the period from January, 2016 to August 2016 if she was not allowed to work for the reasons which are not attributable to the applicant.

(K.N. Shrivastava)
Member(A)

(A.K. Patnaik)
Member(J)

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