

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 4380/2017

New Delhi this the 12th day of December, 2017

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN
HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)**

Ms. Poonam, Age-58 years,
Group-A, Working as AO,
W/o Shiv Kumar,
R/o 6009/02, Pocket D-6, Santushti Apartments,
Vasant Kunj, New Delhi-110070. Applicant

(through Sh. Yogesh Kumar Mahur)

Versus

1. Secretary,
DHR & Director General,
Indian Council of Medical Research,
V. Ramalingaswamy Bhawan,
Ansari Nagar, New Delhi.

2. Director,
National Institute of Medical Statistics,
Medical Enclave, Ansari Nagar,
New Delhi 110029.

3. Union of India through its Secretary,
Ministry of Health and Family Welfare, Nirman Bhawan
New Delhi. Respondents

ORDER (ORAL)

Hon'ble Mr. Justice Permod Kohli, Chairman

The applicant is aggrieved of her transfer vide impugned order dated 30.11.2017 (Annexure A-1). The transfer order reads as under:

“Ms. Poonam, Administrative Officer, National Institute of Medical Statistics (NIMS), New Delhi is hereby transferred to ICMR Hqrs. Office, Ansari Nagar, New Delhi with immediate effect along with post.

Ms. Poonam, Administrative Officer shall stand relieved from NIMS, New Delhi w.e.f. 30.11.2017 (A/N).”

2. The applicant was working as Administrative Officer in National Institute of Medical Statistics(NIMS) and has been transferred to ICMR (HQrs). She has been relieved also w.e.f. the date of passing of the order. NIMS where the applicant was serving is a subordinate office of the ICMR. The ground of challenge is that the applicant has made some complaints against Director Incharge and on that account she has been transferred. The applicant has placed on record some of the complaints alleging harassment by the Director Incharge named therein. It is accordingly argued by the learned counsel for the applicant that the transfer of the applicant is on account of the mala fides. From the perusal of the impugned order, we find that the applicant has been transferred from a subordinate office to HQrs and continues to remain in Delhi. The Director Incharge against whom the allegations of harassment have been made has not been impleaded as a party respondent and thus in absence of that person being party respondent, it is not appropriate to go into the question of the alleged mala fides.

3. Be that as it may, the fact remains that the applicant has been transferred from one table to another table in Delhi itself in the same

organisation. There is no ground for interference in the impugned transfer order. It is a settled law that transfer is an exigency of service and should be rarely interfered. On this settled principle, we find no reason to interfere. The Original Application is dismissed.

(K.N. SHRIVASTAVA)
MEMBER (A)

(JUSTICE PERMOD KOHLI)
CHAIRMAN

/ns/