

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

O.A. No. 2513/2018

New Delhi, this the 10th day of July, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)

Dimple Chandel,
Personal Assistant, Group 'B',
Aged about 39 years,
W/o Shri Davender Chandel,
R/o 25, Vijay Nagar, Single Story Market,
Delhi-110009.

.. Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India
Through Cabinet Secretary,
Cabinet Secretariat,
Govt. of India,
North Block, New Delhi.
2. The Secretary (R),
Cabinet Secretariat,
Govt. of India,
Room No.1001, B-1 Wing, 10th Floor,
Pandit Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi.
3. The Addl. Secretary (Pers.),
Cabinet Secretariat,
Govt. of India,
Room No.1001, B-1 Wing, 10th Floor,
Pandit Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi.
4. The Joint Secretary (Pers.),
Cabinet Secretariat,
Govt. of India,
Room No.1001, B-1 Wing, 10th Floor,
Pandit Deen Dayal Antyodaya Bhawan,

CGO Complex, Lodhi Road,
New Delhi.

.. Respondents

(By Advocate : Shri Rajesh Katyal)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Shri M.K. Bhardwaj, the learned counsel for the applicant and Shri Rajesh Katyal, the learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. The applicant, a Personal Assistant in the Cabinet Secretariat, filed the O.A. questioning the Office Order No.125/Pers.8/2018 dated 19.04.2018 (Annexure A-1), whereunder the applicant was transferred from New Delhi to Kolkata along with some others, on various grounds.

3. It is submitted that the applicant was transferred from Mumbai to Delhi only in the year 2017 and even before she completes the three years' tenure, she was again transferred to Kolkata.

4. It is also submitted that the impugned order itself provides for making a representation against the transfer order and thereafter an appeal, if the representation is rejected. Accordingly, the applicant preferred a detailed representation seeking cancellation of her transfer. However, the respondents vide Memorandum dated

04.06.2018 rejected the said representation. Again the applicant filed an appeal against the impugned order vide Annexure A-6 dated 07.06.2018. It is further submitted that the respondents, without deciding the said appeal, relieved the applicant high-handedly on 05.07.2018 and compelling her to join at the new place of posting.

5. On the other hand, the learned counsel for the respondents submits that the Organisation, in which the applicant is working, is a very important organisation in the security of the nation and after considering all the administrative exigencies and public interest only, the orders of transfer have been passed and also that, not only the applicant, certain others were also transferred under the same transfer order, keeping in view the public interest at large.

6. It is further submitted that no public servant is having any indefeasible right to continue in a particular place for a particular period and the transfer being an incident of service, this Tribunal cannot interfere with the impugned transfer order. The learned counsel further submitted that since the applicant is already relieved on 05.07.2018 itself, no interference is warranted.

7. Admittedly, the impugned order itself provides for making a representation against the transfer and also a further appeal, if the said representation is not considered in favour of the applicant.

Though the representation of the applicant was rejected, but the subsequent appeal filed by the applicant is said to have been pending. It is also a fact that the applicant is already relieved on 05.07.2018.

8. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the Annexure A-6 appeal, dated 07.06.2018, of the applicant, if the said appeal has not yet been disposed of already, and to pass an appropriate speaking and reasoned orders thereon, in accordance with law, within four weeks from the date of receipt of a copy of this order. The joining of the applicant at the new place of posting is without prejudice to her rights. Further, if the applicant joins at the new place of posting and applies for any kind of admissible leave, the respondents shall consider the same sympathetically, in accordance with rules and law. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

Order by **DASTI.**

(A.K. BISHNOI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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