

**Central Administrative Tribunal
Principal Bench**

OA No.486/2015

New Delhi, this the 17th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Madhuri Dabral, Aged 51 years
D/o Shri D.P. Dabral
A Non-Functional Selection Grade Officer of the
Indian Postal Service
Director(Training, Welfare and Sports)
Department of Posts
Ministry of Communications and Information Technology
Dak Bhawan, Sansad Marg
New Delhi-110002
Now Residing at: B-87, Sector Gamma-I
Greater NOIDA, Uttar Pradesh. ...Applicant

(By Advocate: Shri S.K. Das)

Vs.

Union of India through Secretary
Department of Posts
Dak Bhawan, Parliament Street
New Delhi-110001. ...Respondent

(By Advocate: Shri Gyanendra Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy :-

The applicant is working as Director in the Department of Posts. Through order dated 31.12.2013, she has been transferred to Guwahati. Challenging the said order she filed the present OA. It is stated that the order of transfer is contrary to the departmental

transfer guidelines and it was issued before the applicant has completed her stipulated tenure at Delhi.

2. The respondents filed a counter affidavit opposing the OA. It is stated that the applicant has refused to join at the place to which she was transferred though no order of stay was granted by the Tribunal.

3. We heard the learned counsel for the applicant, Shri S.K. Das and learned counsel for the respondents, Shri Gyanendra Singh, in detail.

4. The OA demonstrates the extent to which the process of Tribunal has been misused and the extent of indiscipline on the part of the applicant. The OA itself runs to 273 pages and the Volume-II consists of 772 pages. It only shows the gross indiscipline and the casual attitude of the applicant. The indiscipline is further evident from the fact that though the Tribunal did not pass any order of interim stay, it is only on 04.08.2017 that she said to have reported to duty. Before doing this, she made a big issue in relation to the payment of transfer allowance. That amount also was released in the year 2014 itself but the applicant was stubborn in not receiving it.

5. Time and again, the Hon'ble Supreme Court and High Courts held that transfer is an incidence of service and the guidelines are directory in nature. Further, the transfer of Senior Executives is made more on the needs of the department and it is easy to find a substitute for them. Such officers need to devote their attention to the department and guide the subordinates. The applicant is not able to show as to how the transfer is vitiated.

6. We dismiss the OA by imposing costs of Rs.25,000/- upon the applicant payable to the CAT, Bar Library Fund and we also leave it open to the departmental authorities to take necessary action for the refusal on the part of the applicant to join the duty for about four years during the pendency of the OA. We are doing this only in public interest as the place to which the applicant was transferred remained without an important officer like Director for four years and ensure that such incident do not recur.

(Nita Chowdhury) (Justice L. Narasimha Reddy)
Member(A) Chairman

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