

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00303/2018

DATED THIS THE 14TH DAY OF JUNE, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI P. K. PRADHAN, MEMBER (A)

Smt.Mouni Priyadarsini .K
W/o Sri Suresh Babu.L,
Aged about 40 years,
H R No.200205229,
SDE AXE-10, CDOT & Bldg Mtce,
Jayanagar Telephone Exchange,
BSNL, BGTD,
Bengaluru 560 011
Residing at Quarter No.4,
Jayanagar TEL,
9th Main, 35th Cross,
Jayanagar
Bengaluru 560 011

....Applicant

(By Advocate Shri Mohan Kumar.H)

Vs.

1. Bharat Sanchar Nigam, Limited,
5th Floor,Janapath,
New Delhi 110 001.
By its General Manager.

2.The Chief General Manager,(Admn),
Telecom, Karnataka Circle,
No.1, Swamy Vivekananda Road,
Halasuru, Bengaluru 560 008.

...Respondents

(By Shri Vishnu Bhat, Sr.Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. The matter relates to transfer. The applicant challenges the issue of her transfer order on the ground that of her child's disability which is expressed in document number Annexure A-7 which is the Disability Certificate issued for Differently abled persons. The counsel identifies the person in the certificate as the child of the applicant who is aged 11 years. Due to shortening of lower limb, the child has a light limp. The concerned medical officer under Disability Act had assessed the disability at 15%. He has not opined as to whether the condition is progressive or non progressive, likely to improve or not likely to improve. As it is birth disability, there is no way that this can be held as progressive as the length of the limbs may not increase or decrease within significant nature during his puberty or thereafter and the neuro moto sensory system has already settled in place by the age of eleven. Therefore, there cannot be any progressiveness in this. Besides, the child is 11 years and that cannot be a ground to deny an opportunity of transfer to the applicant as all employees must routinely be transferred out to prevent empire building in particular place.

2. The place to where the applicant is transferred is Gulbarga with more than reasonable medical facilities. and Therefore, there is no cause of any anxiety for the applicant who had been serving at this place even on promotion for the last 16 years. There is no merit in the OA. OA is dismissed. No order as to costs.

(P. K. PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.303/2018

Annexure A1: copy of the service particulars of the applicant

Annexure A2: copy of the transfer policy 7.5.2008

Annexure A3: copy of the diagnostic report dated 3.12.2012 of the applicant

Annexure A4: Copy of the letter dated 24.11.2014 whereby amendment to transfer policy was communicated

Annexure A5: Copy of the medical certificate pertaining to husband of the applicant

Annexure A6: Copy of the medical certificate of son of the applicant dated 15.3.2018

Annexure A7: Copy of Disability Certificate & Identity Card for Differently abled persons.

Annexure A8: Copy of the recommendation made by Deputy General Manager.

Annexure A9: Copy of the representation of the applicant to exempt her from transfer dated 5.3.2018

Annexure A10: Copy of the appointment on 11.4.2018 for son of the applicant

Annexure A11: Copy of the receipt for having attended the centre Optra Care.

Annexure A12: Copy of the transfer order dated 7.4.2018

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