

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.060/01326/2017

Chandigarh, this the 21st day of November, 2017

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**CORAM: HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Nivedita, I.F.S., daughter of Shri S. Bhojrajan, aged 33 years, presently working as Deputy Conservator of Forests, Yamuna Nagar (Group-A).

....APPLICANT

(Present: Mr. H.S. Sethi, Advocate.)

VERSUS

1. Union of India through the Ministry of Forest, Environment & Climate Change, Indira Paryavaran Bhawan, New Delhi.
2. State of Haryana, Department of Forests & Wild Life, through its Principal Secretary, Haryana Mini Secretariat, Sector 17, Chandigarh.
3. Shri Naresh Ranga, Divisional Forest Officer, Ambala, now posted as Divisional Forest Officer, Yamuna Nagar.

....RESPONDENTS

**(Present: Mr. Ram Lal Gupta, counsel for respondent no.1
Mr. Kuldeep Tiwari, counsel for respondent no.2
Mr. Ranvir S. Chauhan, counsel for respondent no.3)**

ORDER (Oral)

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J):-

Applicant, Nivedita, (IFS), working as Deputy Conservator of Forests, Yamuna Nagar, has preferred the instant Original Application (OA), assailing the validity of the impugned transfer

order dated 03.11.2017 (Annexure A-1), whereby, she was transferred from Yamunanagar as such to Kurukshetra, alongwith other officers, on variety of grounds mentioned therein the OA.

2. In the wake of notice, the respondents appeared and filed the short reply by way of affidavit of Principal Secretary to Government of Haryana, Forests & Wild Life Department (respondent no.2), the para nos. 3 & 4 of which reads as under:-

“3. That in the present application, the applicant has raised some issues regarding her personal problem to the extent that, in summary states that, she is a single lady, maintaining her aged parents and her father underwent Spine Surgery and requires good and specialized medical attendance / treatment facilities and in Kurukshetra (the place where she has been ordered to be posted) all the needed facilities of medical attention may not be available. This has been made a ground for challenging the order and seeking the relief of setting it aside.

4. That it is conceded that the above stated facts and circumstances were not in the knowledge either of the Civil Services Board or the deponent / answering-respondent and, therefore, were not considered while making the order under challenge. Now, in view of these new facts and circumstances being brought in the knowledge, the answering-respondent is willing to take into consideration this aspect in the most humanitarian manner by withdrawing the impugned transfer order in so far as it relates to the transfer of the applicant from Yamunanagar to Kurukshetra and passing a fresh order after taking into consideration these facts and circumstances.”

3. Therefore, in this view of the matter, the impugned order stands withdrawn, with liberty to the Competent Authority to pass fresh order in this regard and in accordance with law.

4. As the impugned transfer order dated 03.11.2017 (Annexure A-1) stands withdrawn, so, the instant main OA has become infructuous, which is hereby disposed of as such, as prayed for.

5. Needless to mention, the applicant will not be transferred from her present place of posting, in the absence of any fresh transfer order, if any, by the Competent Authority.

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(P. GOPINATH)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Dated: 21.11.2017.

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