

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No. 1097 of 2017  
Date of order : 04-01-2018

Between :

P. Mahalaxmi W/o B.Suneel,  
Aged about 51 years, Occ : Matron,  
Ordnance Factory Hospital,  
Yeddumailaram, Medak,  
Sangareddy District – 502205.

....Applicant

AND

1. Union of India rep by the  
Ordnance Factory Board,  
Ministry of Defence, 10A,  
SK Bose Road, Kolkata-1.
2. The General Manager,  
Ordnance Factory, Medak,  
Yeddumailaram, Sangareddy District.
3. The Works Manager (Admin),  
O/o Ordnance Factory, Medak,  
Yeddumailaram, Sangareddy District.

...Respondents

Counsel for the Applicant : Dr A Raghu Kumar

Counsel for the Respondents : Mrs K. Rajitha, Sr CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO : MEMBER (J)

THE HON'BLE MRS. MINNIE MATHEW : MEMBER (A)

(Oral order per Hon'ble Mr. Justice R. Kantha Rao, Member (J) )

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Heard Dr A Raghu Kumar, learned counsel for the applicant and Mrs  
K. Rajitha, learned Senior Central Government Standing Counsel for  
Respondents.

2. This Original Application is filed to set aside the order No. 450/Transfer/Matro/PER/M, dated 01.06.2017 transferring the applicant from OF Medak to OF Dehu Road (OFDR), Pune, Maharashtra, Order No. 466/CAT/PM/PER/M, dated 27.11.2017 (Speaking Order) rejecting the representation of the applicant for the retention at Hyderabad on spouse ground and order No. 380 dated 07.12.2017 informing the applicant that the applicant will be relieved after duties at Ordnance Factory Medak, Yeddumailaram on 11.12.2017 (F/N) and quash and set aside the same to the extent of applicant as illegal, arbitrary, violative of Article 14 and 16 of the Constitution of India and violative of the OM in F.No.28034/9/2009-Estt(A)dated 30.09.2009.

4. Briefly stating the facts relevant to the present case are that the applicant was initially appointed as Grade-II Nurse in May, 1990 at OFMK Hospital and later promoted as Grade-I Nurse in the year 1997 and as Matron in the year 2014. Admittedly she worked in the same station for a period of more than 18 years. Her husband is a Group-C employee discharging the duties of Technical nature in the same department. There is another employee viz., Mrs Radha Nagesh who is working at OFMC as Matron. According to the Respondents, in OFM Hospital which is a 50 bed hospital, there is only one sanctioned post of Matron but the fact remains that two Matrons are working since 18 years. Just as the applicant, Mrs Radha Nagesh was also subjected to rotational transfer. As per the Transfer Policy, an employee can work in the same station for a period of 18 years and thereafter such employee can be subjected to rotational transfer. The

transfer is opposed by the Respondents on the ground that as the children of the applicant attained more than 18 years of age and as she completed 18 years standing in the same station, she is liable to be transferred in view of the Transfer Guidelines governing the applicant. Strong reliance has been placed by the learned counsel for the applicant on OM No. 28034/9/2009-Estt (A), dated 30.09.2009, according to which when both spouses are working in the same Central Services and working in the same Department and the posts are available, they may mandatorily be posted at same station. As could be seen from the OM, keeping the spouses in the same station was earlier only Directory and subsequently it acquired mandatory character.

5. Though the Respondents stated in the reply statement that the impugned transfer is on account of administrative contingencies, the Transfers that were made to the applicant as well as to Mrs Radha Nagesh are rotational transfers mainly on the ground that they overstayed in the same station. It is brought to our notice by the learned counsel for the applicant that the Hospital at Pune is 25 bedded and there is only one post of Matron and the OFMK Hospital is a 50 bedded Hospital. According to the Respondents, even at OFMK Hospital, there is only one sanctioned post of Matron. But in fact the applicant and Mrs Radha Nagesh are working there since long time. We are of the view that in exceptional cases only the Department can refuse to consider the cases of spouses in regard to transfer. Though the Respondents cited administrative exigencies which according to them that there is excess strength viz., that two Matrons are

working in OFMK, the said situation was there since long time. It has not arisen recently. Having regard to the aforementioned facts and circumstances, we are inclined to hold that a case is made out to issue a direction to the Respondents to reconsider the case of the applicant for retaining her at OFMK. Consequently the Respondents are directed to reconsider her case for retention at OFMK Hospital at Medak and pass appropriate orders having regard to the aforementioned facts and circumstances within a period of one month from the date of receipt of a copy of this order. Till passing of the order pursuant to the order passed in OA according to our direction, the transfer order relating to the applicant shall not be given effect to.

6. With the above direction, the Original Application is disposed of at the stage of admission. No order as to costs.

(MINNIE MATHEW)  
MEMBER (A)

(R.KANTHA RAO)  
MEMBER (J)

Dated : 4<sup>th</sup> January, 2018.  
Dictated in Open Court.

