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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00043/2017

Date of order : 13.1.2017

Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member

SANGITSARITA NANDA

VS

UNION OF INDIA & ORS.

For the applicant : Mr.S.K.Dutta, counsel

For the respondents: None

O R D E R

The applicant Smt. Sangitsarita Nanda approached CAT under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs :

- "(a) An order directing the respondents to consider the case of the applicant for her posting at Bhubaneswar or at any place near Puri within a period as to this Hon'ble Tribunal may deem fit and proper.
- (b) An order directing the respondents to maintain status quo as to the posting of the applicant till consideration of her case for posting at Bhubaneswar or at any place near Puri."

2. The respondent No.2 namely Director (G)/HRD has been served on 12.1.17, though none is present today when the case was taken up on board.
3. It is the submission of the applicant that she was initially appointed in Geological Survey of India as Assistant Geologist in October 2014 and eventually she was selected through UPSC for appointment as Geologist. Vide an order dated 8.1.16 she was posted at Nagpur. Such order is set out below:

ORDER

The following officer trainees of Geological Survey of India are posted to the places as shown against their names on completion of Orientation Course. They should report at their respective place of posting on or before 1.2.2016 :

Sl.No.	Emp.ID	Name of the Officer	Designation	Place of posting
1.	121589	Shri Atiullah	Geologist	NER, Dimapur
2.	121592	Ms. Sangitsarita Nanda	Geologist	SU: Maharashtra; CR, Nagpur
3.	121575	Shri Sunil Kumar Sharma	Geologist	SU:MP, CR, Bhopal

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Mita Ganguly Das
Director (G)/HRD
for Director General."

She got married on 30.1.16. Her husband is also a Group 'A' Central Govt. Officer belonging to Indian Railway Service and in Electric Engineers Cadre. It is her contention that since her husband is allotted to East Coast Railway in March 2015 he cannot be posted out of the zone covered by East Coast Railway before completion of five years service as per the extant policy of Indian Railway. Unfortunately Nagpur where she is posted does not fall within the jurisdiction of East Coast Railway.

It is her further contention that they have been residing separately and it is her prayer that at least initially the married couples should be posted in or around the same place to give a healthy start to their marital life.

She has accordingly made two representations on 18.3.16 and 23.6.16 which are set out below :

"Government of India
Geological Survey of India

Dated : 18.3.2016

From
Sangitsarita Nanda
Geologist
Stte Unit : Maharashtra
Geological Survey of India,
Central Region, Nagpur - 440006.

To
The Director General
Geological Survey of India
Central Headquarters
27, J.L.Nehru Road,
Kolkata - 700016.

(THROUGH PROPER CHANNEL)

Subject : Request for transfer on the basis of spouse posting.

Sir,

This to inform you that I have joined GSI as a Geologist on 9th December, 2015. Prior to that I have served for GSI as an Assistant Geologist w.e.f. 7th October, 2014.

I got married on 30th January, 2016. My husband is working as Divisional Electrical Engineer (IES) in East Coast Railway under Ministry of Railways (Central Government). Presently he is posted at Puri, Odisha.

My present posting is far away to attend my family at a regular interval. I therefore humbly request you to kindly arrange for transfer me to Bhubaneswar, SU : Odisha which is the nearest office, so that I can undertake my family responsibilities and can offer my duty to the organization without any stress.

This is for your kind perusal and necessary action.

Yours faithfully,

SN

(Sangitsarita Nanda)
 Geologist
 SU: Maharashtra, Nagpur
 Emp ID - 121592."

"Government of India
 Geological Survey of India

Dated : 23.6.2016

From
 Sangitsarita Nanda
 Geologist
 State Unit : Maharashtra
 Geological Survey of India,
 Central Region, Nagpur - 440006.

To
 The Director General
 Geological Survey of India
 Central Headquarters
 27, J.L.Nehru Road,
 Kolkata - 700016.

(THROUGH PROPER CHANNEL)

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I got married on 30th January, 2016. My husband is working as Divisional Electrical Engineer (IES) in East Coast Railway under Ministry of Railways (Central Government). Presently he is posted at Puri, Odisha.

My present posting is far away to attend my family at a regular interval for maintaining a normal family life. Therefore, may I humbly request your kind self to accord permission to transfer me to Bhubaneswar, SU : Odisha which is the nearest office, so that I can undertake my family responsibilities and can offer my duty to the organization without any stress.

This is for your kind perusal and necessary action.

Yours faithfully,

(Sangitsarita Nanda)
 Geologist
 SU: Maharashtra, Nagpur
 Emp ID - 121592."

It is the submission of the ld. Counsel for the applicant that unfortunately no action has been taken on such representations made by the applicant.

4. Ld. Counsel for the applicant also drew my attention to the stipulations laid out in DOPT order dated 30.9.09, para 4(iv) of which is stated below :

"(iv) Where the spouse belongs to one Central Service and the other spouse belongs to another Central Service :

The spouse with the longer service at a station may apply to his/her appropriate cadre controlling authority and the said

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authority may post the said officer to the station or if there is no post in that station to the nearest station where the post exists. In case that authority, after consideration of the request, is not in a position to accede to the request, on the basis of non-availability of vacant post, the spouse with lesser service may apply to the appropriate cadre authority accordingly, and that authority will consider such requests for posting the said officer to the station or if there is no post in that station to the nearest station where the post exists."

5. I think justice will be meted out if the respondents are directed to consider the representations of the applicant within a period of 45 days from the date a copy of this order is handed over to the appropriate respondent authority by the applicant since none is present on behalf of the respondents today. After disposal of the representations of the applicant the authority will inform her through a reasoned and speaking order the outcome of such representations within a week thereafter.
6. I have not gone into the merits of the case and all points are kept open for consideration by the respondents.
7. OA is accordingly disposed of. No order as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

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