

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 351/1296/2017

Date of order : 8.9.2017

Present: Hon'ble Mr. Justice V.C.Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUMA SRIDHARAN

VS

M/O WOMEN &amp; CHILD DEVELOPMENT

For the applicant : Mr. P.C.Das, counsel  
Ms.T.Maiti, counsel  
For the respondents : Mr.S.Paul, counselO R D E RMr.Justice V.C.Gupta, J.M.

The applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved by the order of transfer from Port Blair to Bengaluru. In this petition she has asked for quashing of the same on her personal problems indicated in the representation given after she was relieved as per order dated 9.8.2017, on 11.8.2017.

2. Heard Mr.P.C.Das, Id. Counsel along with Ms.T.Maiti, Id. Counsel appearing for the applicant and Mr.S.Paul, Id. Counsel appearing for the respondents.
3. Mr.Paul pointed out that the applicant has already been relieved and this petition is not maintainable. Moreover it is not in contravention of any statutory provisions or the policy of transfer.
4. From the perusal of the records it reveals that the applicant has already been relieved by order dated 9.8.2017 much earlier before presenting this Original Application. There is nothing on record that when the representation was received by the authorities or whether the representation has been acknowledged by the respondents. In view of the above as the applicant has already been relieved much earlier than filing the present Original Application on 5.9.2017, therefore we are of the view that this petition is not maintainable and is liable to be dismissed at the admission stage.

5. Hon'ble Supreme Court has categorically stated that an employee is not justified in defying the transfer order or level allegations against the superior and remaining in unauthorised absence from duty. The Supreme Court further held that in the interest of discipline of any institution or organisation such an approach and attitude of an employee cannot be countenanced. (*C.Tushar D. Bhatt -vs- State of Gujarat & Ors. [2009 (11) SCC 678]*).

6. Moreover there is no allegation that her transfer was made against the transfer policy or any statutory rules or has not been passed by any incompetent authority. Therefore no interference is warranted in the transfer order and the petition deserves to be dismissed at the admission stage.

7. Accordingly the OA is dismissed. No costs.

(JAYA DAS GUPTA)  
ADMINISTRATIVE MEMBER

(JUSTICE V.C.GUPTA)  
JUDICIAL MEMBER

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