

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00473/2018

DATED THIS THE 12TH DAY OF DECEMBER, 2018

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

HON'BLE SHRI C V SANKAR, MEMBER (A)

Smt. Chudamani K
W/o H.R. Ranganatha
Aged about 40 years,
Working as O.T (Assistant)
ESICM Hospital, Rajajinagar
Bengaluru – 560 010
Residing at No.
2119, 1st Main, 7th Cross,
RPC Layout, Vijayanagar,
Bengaluru – 560 040

.....Applicant

(By Advocate M/s. Subbarao & Co.)

Vs.

1. Union of India
Represented by its Principal Secretary to Government
Ministry of Labour & Employment
No. 2, Raji Marg, New Delhi – 110 001

2. The Dean
ESIC Model Hospital, Rajajinagar,
Bengaluru – 560 010

3. The Joint Director (Admn)
ESIC Model Hospital, Rajajinagar,
Bengaluru – 560 010

4. The Regional Director
Employees State Insurance Corporation
Panchdeep Bhavan,
Binnypet, Bengaluru

.....Respondents

(By Shri M.V. Rao, Counsel for the Respondents)

ORDER (ORAL)

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

Heard the matter. We had looked into the matter with anxious eyes as the applicant is a last grade employee. Shri M.V. Rao, learned counsel for the respondents, submits that it is only a transfer for a limited period of 2 years and after that she will be brought back to Bangalore. We hereby record it. We also tried to find out whether applicant's husband, who is an MTS in Defence, can be transferred to Gulbarga but apparently no such post is available for him in Gulbarga. But otherwise the contentions made by the learned counsel for the applicant cannot be accepted for the simple reason that for effecting a transfer, it is for the employer to decide how to regulate his workforce. Unless malafides is made out and proven, adjudicator will not interfere in it. That being so, applicant will have to be satisfied with the recorded submission made earlier that she will be brought back to Bangalore after 2 years period from the date of her actual assumption of charge at Gulbarga. Therefore, the OA is disposed off with the direction that after 2 years' time applicant is to be brought back.

2. The OA is disposed off. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00473/2018

Annexure-A1: Copy of the office order dated 10.11.2017
Annexure-A2: Copy of the representation dated 15.11.2017
Annexure-A3: Copy of the office order dated 29.11.2017
Annexure-A4: Copy of the order dated 22.03.2018
Annexure-A5: Copy of the representation dated 19.04.2018
Annexure-A6: Copy of the office order dated 16.05.2018

Annexures with reply statement

Annexure-R1: Copy of the report of the transfer committee meeting held on 25.10.2017
Annexure-R2: Copy of the report of the transfer committee meeting held on 25.11.2017
Annexure-R3: Copy of the letter dated 30.04.2018
Annexure-R4: Copy of the note sheet dated 07.05.2018
Annexure-R5: Copy of the circular dated 14.06.2016
Annexure-R6: Copy of the pay slip of the applicant for the month of October, 2018
