

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 045/00109/2019

Date of Order: This, the 01st day of April 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

Smt Kerlinmon Kharshandi
SP (HQ), Itanagar
O/o the DPS, Arunachal Pradesh Division
District – Itanagar, Pin – 791111, Arunachal Pradesh.

...Applicant

By Advocates: Mr. M. Phukan, Mr. A. Bikram Singh & Mr. Rituraj Medhi

-VERSUS-

1. The Union of India
Represented by the Secretary to the Govt. of India
Ministry of Communication & Information
Technology, Department of Post of
Revenue Central Board of Excise
7 Customs, New Delhi – 110003.
2. The Chief PMG (Staff)
North East Circle, Shillong – 793001.
3. The Director of Postal Services
A.P. Division, Itanagar – 791111.
4. The Postmaster (HSG-I)
Itanagar H.O. – 791111.
5. Superintendent of Posts (HQ)
O/o Director Postal Services
Arunachal Pradesh Division, Itanagar – 791111.

... Respondents

O R D E R (ORAL)

MANJULA DAS, MEMBER (J):

Learned counsel for the applicant Mr. A. Vikram Singh mentioned this case and was accordingly taken up today as unlisted.

2. Being aggrieved with the impugned order dated 12.02.2019, the applicant has preferred the instant O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- “8.(a) Directing the respondents to stay the Impugned Order dated 12.02.2019 issued against the Applicant for the post wherein she has been duly appointed and currently providing the needful services in her official capacity.
- (b) After perusal of the records and upon hearing the matter may be pleased to stay the order and/or pass such further other order or orders as Your Hon'ble Tribunal may deem fit and proper.
- (c) Any other relief or reliefs to which the Applicant is entitled to, under the facts and circumstances of the case as may be deemed fit and proper by the Hon'ble Tribunal.”

3. Mr. A. Bikram Singh, learned counsel appearing on behalf of the applicant submitted that applicant is presently holding the post of SP (HQ), Itanagar, Department of Posts, Arunachal Pradesh Division, Itanagar. According to Singh, applicant's daughter Miss Eva Kordorkharshandiis appeared in Higher Secondary Annual Examination which is completed on 30.03.2019. However, she

applied her candidature for the Joint Entrance (NEET) at NERIST, Nirjuli, Arunachal Pradesh and the entrance examination will be conducted in the month of May 2019.

4. Learned counsel for the applicant further submitted that vide order No. Staff/13-113/2018 dated 12.02.2019 so far the applicant is concerned, applicant has been sought to be transferred from Itanagar Division to Dharmanagr Division against which the applicant made a representation dated 13.02.2019 requesting to modify the said transfer order and to allow her to continue as SP (HQ), Itanagar till June 2019. But, the said representation dated 13.02.2019 was rejected. However, the competent authority keeping in view of the end of financial year, the applicant was allowed to continue in her present place of post till 31.03.2019.

5. Learned counsel for the applicant has drawn our attention to the Annexure-3 series which are the applications of the applicant's daughter who is appearing in higher studies. According to the learned counsel, at this juncture, if the applicant is transferred, preparation for competitive examination of the applicant's daughter's will be highly prejudiced. In view of the above, learned counsel for the applicant humbly pray for extension up to end of June 2019.

6. We have heard the learned counsel for the applicant, perused the pleadings and all the documents. We noted that the department has rejected the representation as well as prayer of the

applicant dated 13.02.2019 vide order No. Staff/8-199/94 dated 14.03.2019. Hence the applicant has approached before this Tribunal by filing the instant O.A.

7. In view of the interest of the education and preparation of the applicant's daughter for higher studies, we deem fit to direct the respondents to allow the applicant till end of June 2019 in view of the decision as laid down by the Hon'ble Apex Court in the case of **Director of School Education, Madras & Ors. Vs. O. Karuppa Thevan 1994 Supp (2) SCC 666** where the Hon'ble Apex Court has held that – “Transfer of an employee during mid-academic term is not proper unless exigencies of service are urgent for making such transfer.”

8. In view of the above, without going into the merit of the case and without issuing notice to the respondents, we direct the respondents to allow the applicant to continue at her present place of posting at Itanagar till end of June 2019.

9. With the above direction, O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)