

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/942/2019
M.A./100/1052/2019

New Delhi, this the 26th day of March, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Neeta Bhushan
Through her Power of Attorney Holder
Shri Anurag Bhushan
R/o B 22, MEA Complex, Chanakyapuri
New Delhi

....Applicant

(Through Shri Sanjoy Ghose, Shri Chetan Sharma, Shri
Siddharth Sharma and Ms.Shruti Arora, Advocates)

Versus

Union of India
Through its Secretary,
Ministry of External Affairs,
New Delhi-110011

... Respondent

(Through Shri Hanu Bhaskar, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is working as Consul General of India at Chicago, USA. Through an order dated 28.09.2018, she was transferred to the Headquarters of Ministry of External Affairs (MEA), New Delhi. Challenging the same, the applicant filed OA No.3880/2018. She pleaded that her daughter is studying in an educational institution in Chicago and transfer in the middle of the academic session would result in serious hardship and

discontinuation of study. Other grounds were also pleaded. After hearing both the parties, the OA was disposed of on 20.11.2018 directing that the stay of the applicant at Chicago shall stand extended upto 31.03.2019 and that she shall be under obligation to report for duty at Headquarters, New Delhi before that date. It was also observed that if it is felt that the study of her daughter cannot be completed in the academic year without her presence, the applicant may make a representation in this behalf.

2. The applicant made a representation stating that the academic year for the study of her daughter ends on 19.06.2019 and that if she is compelled to join at the headquarters before that date, it would be impossible for her daughter to continue the study and serious hardship would ensue. Vide a communication dated 19.02.2019, through diplomatic channel, the applicant was informed that her request for continuation beyond 31.03.2019 was not acceded to. The same is challenged in this OA.

3. The applicant contends that the relief in OA 3880/2018 was granted keeping in view the education of her daughter and if she is required to leave Chicago before 19.06.2019, the relief virtually stands taken away. It is also pleaded that if she leaves the place, the study of her daughter would be impossible since the admission was obtained with the diplomatic status.

4. The OA was listed for admission on 20.03.2019. On that date, the learned standing counsel for the Central Government was requested to find out whether it would be feasible to continue the applicant at Chicago in the capacity of Consul General beyond 31.03.2019. In all fairness, the Government has responded stating –

- (a) The applicant would be continued at Chicago as OSD upto 30.06.2019;
- (b) She would be provided an accommodation; and
- (c) She would be entitled to the same emoluments.

In view of this positive development, the grievance of the applicant virtually stands redressed.

5. We, therefore, dispose of the OA directing that the applicant shall be continued as OSD at Chicago in the Consulate upto 30.06.2019, duly providing a suitable accommodation and paying the emoluments, and that the applicant shall be under obligation to report for duty at the headquarters on or before 30.06.2019.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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