

**Central Administrative Tribunal
Principal Bench**

OA No.2516/2017

New Delhi, this the 19th day of March, 2019

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

Smt. Amita Singh, aged 56 ½ years,
w/o Dr. Sh. Raju Singh,
working as Senior Architect in CPWD
posted in the office of ADG(Arch.), N. Delhi.
r/o D-II/45, AIIMS Campus,
Ansari Nagar(East), New Delhi.

... Applicant
(By Advocate : Sh. Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Urban Development.
Govt. of India, Nirman Bhawan,
New Delhi.
2. The Under Secretary to the Govt. of India,
Ministry of Urban Development,
Works Division, Nirman Bhawan, New Delhi.
3. The Director General,
Central Public Works Department,
Nirman Bhawan, New Delhi.
4. Sh. Abhisekh Bose,
Senior Architect,
C.P.W.D. office, Kolkatta.

... Respondents.

(By Advocate : Sh. Ashok Kumar)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Senior Architect in CPWD and was stationed at Delhi. Through the order dated 30.06.2017, she was transferred to Nagpur. This OA is filed challenging the order of transfer. The applicant pleads that her husband is suffering from Prostate Cancer and he is undergoing treatment in AIIMS, and that her son is a psychiatric patient undergoing treatment in a hospital at Delhi. Reliance was placed upon the transfer policy issued in various circulars.

2. The respondents filed the counter affidavit opposing the OA. They stated that the applicant became due for transfer and accordingly, she has been transferred to Nagpur. It is also stated that relevant circulars were taken into account, before transferring the applicant.

3. We heard Sh. Yogesh Sharma, learned counsel for applicant, and Sh. Ashok Kumar, learned counsel for respondents, at length.

4. While admitting the OA, the Tribunal passed the interim order way back on 28.07.2017. On the strength of that order, the applicant continued in Delhi.

5. It is now pleaded that the applicant is due to retire from service in December, 2020 and that she is entitled to be extended the benefit of being posted at a station of her choice for the period of two years before her retirement. That would have been possible, had the applicant complied with the order of transfer. She is continuing in Delhi on the strength of interim order dated 28.07.2017. We are of the view that she needs to move to a station as may be directed by the respondents and can seek retention at a place for the last one year of her service. It is brought to our notice that vacancy at Nagpur has been filled by posting an officer. In view of this, fresh order of transfer may be passed.

6. We, therefore, dispose of the OA leaving it open to the respondents to pass a fresh order of transfer to a place preferably nearer to Delhi, and to consider the feasibility of transferring the applicant to Delhi by December, 2019, so that she can complete her last one year of service at the station of her choice.

7. The interim order shall stand vacated. It is made clear that the applicant shall be under obligation to report for duty at the new station, without raising any objection whatsoever.

8. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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