

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

This is the 18TH day of **JULY, 2019**.

ORIGINAL APPLICATION NO. 674 OF 2019

HON'BLE MS AJANTA DAYALAN, MEMBER (A)
HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J)

1. Anil Kumar Garg, a/a 58 years, S/o Kailash Chand R/o 583, New Sainik Colony, Khrwa Road, Kankarkhera, District Meerut.
.....Applicant.

VERSUS

1. Union of India through its Secretary Department of Communication and Information Technology (Postal and Telegraph Department) Govt of India Sansad Marg New Delhi.
2. Senior Superintendent of Post Office Meerut.
.....Respondents

Advocate for the Applicant : Shri Akhilesh Chandra Shukla

Advocate for the Respondents : Shri Jai Singh

O R D E R

(Delivered by Hon'ble Ms Ajanta Dayalan, Member-A)

Heard Shri Akhilesh Chandra Shukla, learned counsel for the applicant and Shri Jai Singh, learned counsel for the respondents.

2. Learned counsel for the applicant states that the applicant Shri Anil Kumar Garg has been transferred vide order dated 20.04.2018 (Annexure No. A-1 to the OA) from Meerut to Mawana and his name occurs at SI No. 11 in this transfer order. He states that the applicant has a handicapped son of 22 years old who is suffering from locomotor disability and is not able to move about and even do his daily chores. He needs continuous attention and his father i.e., the applicant is his sole care-taker. The wife of the applicant is also old and is of 57 years of age. The applicant has two daughters, one of which is married and is settled abroad. The other one is married to a defence officer and settled in Jodhpur and as such there is no one to support the applicant.

3. Learned counsel for the applicant further states that the OM dated 08.10.2018 (Annexure No. A-3 to the OA) of DoPT states that the main

care giver of persons with disability are exempted from routine exercise of transfer/rotational transfer, subject to administrative constraints. He further states that his case is covered under this. He also states that the applicant is one of the office bearers of a recognized association and is exempted from such transfers.

4. Learned counsel for the applicant further states that the applicant's limited prayer at this point of time is that his representation dated 05.06.2019 (Annexure No. SA-3 to the Supplementary Affidavit) addressed to the P.M.G be decided in a time bound manner.

5. Learned counsel for the respondents has no objection to this limited prayer. He states that the transfer of the applicant has to be decided by the competent authority in the department.

6. In view of the limited prayer made by the learned counsel for the applicant, we direct the competent authority amongst the respondents to decide the representation of the applicant dated 05.06.2019 by passing a reasoned and speaking order within a period of two weeks from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant. The competent authority will keep in mind the facts of the case and other circumstances as well as policy and guidelines relating to transfer.

7. Accordingly, with the above directions, the OA is disposed of. No order as to cost.

8. Needless to mention, the above direction be not construed as any expression or opinion on the merit of the case.

**(RAKESH SAGAR JAIN)
MEMBER-J**

Arun..

**(AJANTA DAYALAN)
MEMBER-A**