

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

OA No195/2019

Ahmedabad, this the 14th day of June, 2019

Smt. Dinaben B. Patel
LDC (Lower Division Clerk)
CHE Station – Vejalpur
Godhra (PMS)- 389001.
5, Govardhannagar,
B/h., FCI Godour, Godhra 390 001. Applicant
(By Advocate : Shri Navneet Taneja)

VERSUS

1. Union of India, through
Secretary / Director Council of Agricultural Research
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110 114.
2. Director, Central Institute for Arid
Horticulture Sriganganagar Highway,
Beachwal Ind. Area Bikaner (Rajasthan)
Pin Code – 334 006.
3. The Head (Director)
Central Horticulture Experiment Station
Vejalpur, District : Panchmahal – 389001..... Respondents.

O R D E R – ORAL
Per : Hon'ble Shri M.C.Verma, Member (J)

Being aggrieved by the Order dated 15.05.2018 whereby and
wherein applicant has been transferred from CHES, Godhra to ICAR-CIAH,
Bikaner, instant OA, has been filed by applicant, namely, Ms. Dinaben
B.Patel. Learned counsel while pressing for notice submits that applicant,

since her recruitment in year 1994 is working as a LDC in respondents' Office at Godhra. That earlier, in year 2008, she was promoted to the next higher cadre post and was transferred to Bikaner but because of her ill health and family condition she denied the promotion. That second time also in year 2010 when she again was promoted to the next higher post and was transferred to Bikaner she denied said promotion. That promotion was denied by the applicant because of her family condition. The applicant is suffering from Tubercular Meningitis due to which she remained in coma for several days, and took treatment from Baroda Hospital. That her husband is also suffering from hypertension and colesterol decease. That her transfer at Bikaner in said situation was not warranted, especially when she has refused promotion not once but twice. Learned counsel added that transfer order is against policy as well and he referred the Transfer Policy which is at Annexure A-4. He also contended that after receiving transfer order on 24.5.2018, applicant immediately preferred representation/ appeal, against the order of transfer, but without taking any decision on her representation, the respondents are adopting coercive method to relieve her from Godhra. Learned counsel request to issue notice.

2. Considered the submissions. Having taken note of the factual aspect and legal issues, I think it would be appropriate to dispose of the OA with direction

to the respondents to take decision on representation/ appeal dated 24.5.2018 of the applicant and accordingly respondents are directed to consider and to take decision on said representation/ appeal dated 24.5.2018 (Copy Annexure A of OA) and till no decision is taken on her representation, she would not be relieved from the post which she presently is holding.

3. With this direction, the OA stands disposed of.

(M.C.Verma)
Member (J)

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