

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 042/00258/2019

Date of Order: This, the 13th day of August 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

No. 5430042
Smti Sumita Dey
Wife of Shri Ratan Lal Dey
Hindi Teacher, 15 Assam Rifles
Mantripukhri, Manipur, Pin – 795002.

...Applicant

By Advocates: Sri Adil Ahmed & A. Theo & P. Goswami

-Versus-

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Home Affairs, North Block
New Delhi, Pin – 110001.
2. The Directorate General
Assam Rifles, Laikore
Shillong, Pin – 793011.
3. The Commandant
15 Assam Rifles, Mantripukhri
Manipur, Pin – 795002.

...Respondents

By Advocate: Sri V.K. Bhatra, Sr. CGSC

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

The present O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

- “8.1 To set aside and quashed impugned POSTING/TFR OF TEACHING STAFF: HINDI TEACHEER bearing No. 1.14017/Posting-Tfr/042/Adm-IV(Civ)/2019/505 dated 15.05.2019 in case of the Applicant.
- 8.2 To accommodate her at any of her choice place preferably at Radhanagar and Agartala in the state of Tripura.
- 8.3 To pay the cost of the case to the Applicant.
- 8.4 Any other relief (s) that may be entitled to the Applicant.”

2. Sri Adil Ahmed, learned counsel appearing on behalf of the applicant submitted that the applicant is working as Hindi Teacher in 15 Assam Rifles School, Mantripukhri, Manipur. According to Sri Ahmed, applicant is aged about 55 years and suffering from various medical problems including Lumber Spondylosis and undergone two major surgeries and therefore, she needs constant medical care and treatment.

3. Sri Ahmed has drawn my attention to page 21 of the O.A. i.e. Medical Certificate dated 09.08.2018 issued by the respondents' own Doctor/HQIGAR wherein the applicant was recommended to avoid Cold Climate and High Altitude Area. He has also pointed out, despite the above facts, the respondent No. 2 vide posting order dated 15.05.2019, in respect of the applicant, sought to transfer the applicant from 15 AR, Mantripukhri to 32 AR, Zunheboto. By the said transfer order, the applicant was directed to report at the new place of posting by 15th Jun 2019. According to Sri Ahmed, Zunheboto is situated at high altitude, hilly, remote and having cold weather. As such, applicant cannot proceed to Zunheboto, Nagaland where there is no medical facilities at any moment for patient like the applicant.

4. Being aggrieved with the transfer order dated 15.05.2019, the applicant submitted her representation before the respondent No. 2 on 16.05.2019 by requesting him to change of location of posting because of her health condition. In the said representation, the applicant has mentioned that as per Departments' Doctor's Advice, she is debarred from climbing stairs and hills and also to avoid cold climate. Accordingly, she prayed for change of location to any four

places i.e. (a) Radhanagar, (b) Agartala, (c) Charduar and (d) Lokhra which will facilitate her proper medical treatment. Moreover, the applicant has also given undertaking that she will apply for voluntary retirement in the Month of May 2022 on completion of one more tenure in Assam Rifles.

5. Sri Ahmed further submitted that the case of the applicant was strongly recommended by the Education Officer, 15 Assam Rifles for change of her place of posting. But till date, the respondents have not taken any steps for change of her location. Applicant is continuing in her present place of posting at 15 Assam Rifles, Mantripukhri in the State of Manipur till date. Since the applicant is aged about 55 years and suffering from various ailments which needs regular care and treatment, she therefore, wants to settle her peaceful retired live in her home State Tripura where near and dear one of her family are settled.

6. Sri V.K. Bhatra, learned Sr. CGSC representing the respondents submitted that he has no objection if a direction is issued by this Tribunal to consider and dispose of the pending representation dated 16.05.2019.

7. In view of the above, by accepting the prayer made by Sr. CGSC for the respondents Sri V.K. Bhatra as well as with the consent of the learned counsel for the applicant Sri Adil Ahmed, I dispose of the O.A. by directing the respondent No. 2 i.e. the Directorate General, Assam Rifles, Shillong to dispose of the pending representation dated 16.05.2019 in the light of their own department's HQ IGAR Doctor's Medical Certificate dated 09.08.2018 certified by Dr. Dithi Chakrabarti and consider the option made by the applicant in her representation, within a period of three months from the date of receipt of a copy of this order.

8. Respondent No. 2 is further directed to pass a reasoned and speaking order on the said pending representation dated 16.05.2019 and the decision so arrived shall be communicated to the applicant forthwith. Till such time, applicant shall be allowed to continue at 15 Assam Rifles School, Mantripukhri.

9. There shall be no order as to costs.

**(MANJULA DAS)
MEMBER (J)**