

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00596/2016

Date of order : 12.4.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

DR. PIYALI PAL

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.Chakraborty, counsel
Ms. P.Mondal counsel

For the respondents : Mr.P.Mukherjee, counsel

O R D E R (ORAL)

Heard ld. Counsel for the parties.

2. The applicant seems to be aggrieved on being transferred to Ordnance Factory, Bolangir in Orissa despite exercising option for Kolkata on 9.2.16. She has prayed for retention at Kolkata after issuance of transfer order dated 1.4.16 stating therein that her son who was born prematurely (at 34 weeks of gestational age) with very low birth weight with respiratory distress for which he required non-invasive ventilator support and ten days of neo-natal ICU care, is now suffering from sacral dimple with discharge for which he requires treatment at a super-speciality hospital. A certificate was issued on 31.3.16 by Sr. Consultant, Paediatrics and Neonatology stating as follows :

"He needs constant supervision and should have access to a multispecialty hospital with good paediatric set up and a developmental paediatric unit. The baby often has breath holding spells and is extremely sensitive to the surrounding environment and hence is advised to avoid circumstances or people alien to him in his early childhood. The child also has a sacral dimple with sinus that needs to be investigated, with the involvement of Radiologists, paediatrician and paediatric surgeon to rule out any associated pathologies. The child, is thus, advised to be at his home under constant supervision of his parents and grandparents."

3. That apart the husband of the applicant is serving at Shankar Netralaya at Calcutta. Therefore it has been argued that the applicant would be entitled to retention in terms para (viii) of DOPT OM dated 30.9.09 which runs as under:

"The husband & wife, if working in the same Department and if the required level of post is available, should invariably be posted together in order to enable them to lead a normal family life and look after the welfare of their children especially till the children attain 18 years of age. This will not apply on appointment under the Central Staffing Scheme. Where only wife is a Govt. Servant, the above concessions would be applicable to the Govt. servant."

Ld. Counsel for the applicant also submitted that several medical officers have been retained at Calcutta since 1999 and therefore there ^{is} ~~is~~ no reason to shift the applicant from Calcutta ^{for} ~~with~~ the difficulties she is facing at present.

4. Ld. Counsel for the respondents submits that the representation is under active consideration of the respondents and would be disposed of shortly.

5. Ld. Counsel for the applicant submits that he would be satisfied if a direction is given to the respondents to consider the representation in a time bound manner.

6. In view of such and to meet the ends of justice, I dispose of the OA with a direction upon the respondent No. 3 or any other competent authority to look into the grievance of the applicant considering her case in accordance with DOPT OM dated 30.9.09 particularly para (viii) thereof and the health condition of her son who is at present 1 year 7 months old.

7. Let a reasoned and speaking order be issued within one month from the date of communication of this order. Till such time the applicant shall not be released from the present place of posting.

8. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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