

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.377/2019

Date of Decision: 3rd June, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Smt Priyadarshini w/o Deepak Raut,
aged about 53 yrs Occ:Program
Executive All India Radio,
R/o. Pitru Vaibhav Apt. Plot No.17,
Shivaji Nagar Road Nagpur - 10 ... *Applicant*

(By Advocate Ms. Rashi Deshpande)

VERSUS

1. Director General All India
Radio Akashwani Bhawan
Parliament Street Sansad Marg
New Delhi - 01.
2. Additional Director General
All India Radio Akashwani Bhawan
Backbay Reclamation
Mumbai - 400 020. ... *Respondents*

ORDER (ORAL)

PER: R. VIJAYKUMAR, MEMBER (A)

This application has been filed today
and has been heard at length at the admission
stage seeking the following reliefs under
Section 19 of the Administrative Tribunals Act,
1985:-

"8(a) To quash and set aside the impugned order dated 29.05.2019 Annexure A-1 transferring the applicant from Air Nagpur to AIR Osmanabad.

(b) Further direct the respondent No.1 to consider and decide the application dt.14.05.2019 of the applicant for transfer to Hyderabad at her request in the light of the Office Memorandum dated 08.10.2018 and considering the specified disability of son of the applicant and his rehabilitation.

(c) Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case."

2. Learned counsel for the applicant submits that the applicant has been serving at Nagpur since 1989 and has an autistic child. The applicant was previously subject to rotational transfer in the year 2018 and had filed proceedings before this Tribunal in the Nagpur Bench which eventually resulted in the retention of the applicant at Nagpur itself and cancellation orders were issued by the respondents in Corrigendum No.A.22017/Mah/GO/2018/944 dated 05.10.2018 accommodating her in the vacant post of Assistant Director Programming by downgrading that post. Subsequently, on 07.05.2019, the applicant made a request for mutual transfer to AIR, Amravati and informed that she had a telephonic conversation with the ADG, Mumbai on 13.05.2019 by which she was informed that the mutual transfer was not possible. Thereafter, she filed a representation on 14.05.2019 asking for

transfer to Hyderabad. Details of reasons for which the mutual transfer to her native place at Amravati or the transfer to Hyderabad were initiated are stated to be that Amravati is her native place and Hyderabad is a place where further treatment is available for her son who has now also graduated from college.

3. Learned counsel for the applicant submits that the applicant is not aware of any incipient proceedings of rotational transfer considering the long duration of stay of the applicant at Nagpur of nearly 20 years. Instead, by the impugned orders dated 29.05.2019, the applicant has been transferred to Osmanabad which is stated by the learned counsel for the applicant to not have facilities for autistic treatment. No representation has been filed by the applicant expressing her intention or desire to be either retained at Nagpur or to receive some other posting.

4. The matter has been carefully considered. The reasons for initiating this transfer by seeking mutual transfer to a semi-urban location at Amaravati has itself not been

made clear to this Tribunal, especially in the context of the applicant having successfully got the previous orders transferring to Chandrapur and Ahmednagar cancelled, as stated, on medical and educational grounds of her son. On enquiry, learned counsel submits that the applicant now seeks posting at Hyderabad because of certain additional facilities available there but that does not explain the initial choice of Amaravati nor are these reasons contained in the representation dated 14.05.2019 which evidently needs elaboration.

5. It is on these bases that the learned counsel for the applicant urges orders of *status quo* on the transfer order of respondents. However, considering the facts and circumstances of the matter as detailed above, the various attempts at retention at Nagpur and transfer to Amaravati by the applicant, and also the fact that the applicant has not made any representation on this issue to the respondents despite receiving the orders dated 29.05.2019 by e-mail and also later by mail, we do not find that applicant has made a compelling argument in support. However, the

applicant pleads her special circumstance of her son who has 'mild autism' estimated at 50% disability and wishes to file a detailed representation and requests two days time to do so.

6. In the circumstances, the applicant may file a representation within two days of receipt of a certified copy of these orders to both respondents Nos.1 and 2 which will include respondent No.2 as the proper channel for filing such representation and further, also send this representation by email, if possible. The respondents are directed to pass a reasoned and speaking order both in respect of this fresh elaborate representation, if received in the prescribed time, and such orders shall also include a response to the applicant's representation dated 14.05.2019, within two weeks and communicate these orders within two days thereafter including through email to the applicant. In the circumstances stated by the applicant and considering the balance of convenience, the applicant shall be retained at Nagpur in a vacant post suited to her rank, if not already relieved, until the aforesaid orders are passed by respondents.

7. The Original Application is disposed of accordingly without any order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

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