

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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ORIGINAL APPLICATION NO.060/01180/2019
Chandigarh, this the 15th day of November, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

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Anjana Gupta W/o Sh. Sanjeev Kumar, aged 52 years, Assistant Accounts Officer, DPDO, Rohtak R/o House No. 75, type 1 A, MDU Campus, Rohtak – 124001.

....Applicant

(Present: Mr. Jagdeep Jaswal, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence (Finance) South Block, New Delhi – 110011.
2. Controller General of Defence Accounts, Ulan Batar, Road Palam Colony, New Delhi – 110010.
3. Controller of Defence Accounts (Pension Disbursement), Belvedere Complex, Ayudh Path, Meerut Cantt, Uttar Pradesh – 250001.
4. Tarun Kumar Jajoria, Controller of Defence Accounts (Pension Disbursement) (Competent authority for transfer) Belverdere Complex, Ayudh Path, Meerut Cantt, Meerut, Uttar Pradesh – 250001.
5. Defence Pension Disbursing Officer, Company Bagh, Rohtak Haryana - 123371

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant is before this Court challenging the orders dated 22.10.2019 (Annexure A-1) whereby she has been transferred from DPDO Rohtak to DPDO Ferozepur, and relieved on the same very date.
2. Heard.

3. Learned counsel argued that the impugned transfer is an outcome of malice by the respondents. He submitted that the applicant, earlier approached the respondents approached by filing an O.A. (No. 060/00884/2019) challenging her suspension order which was revoked after issuance of notice of motion by this Court, vide order dated 15.10.2019, revocation to be effective w.e.f. 22.10.2019. It is contended that on 22.10.2019 when the applicant resumed duty, the impugned transfer and relieving orders have been passed. He argued that applicant has not been afforded even an opportunity of personal hearing before making mid-term transfer. Even the guidelines of transfer policy have not been followed which prescribes a procedure for calling three choice stations from the employee, proposed to be transferred, and provides that efforts should be made to post a lady official/officer at a nearby station or at one of her choice stations. He contends that even the representation filed by the applicant, raising all these points, has been rejected by passing a non-speaking order.

4. Though allegations of malafide have been made against Respondent No. 4 in the O.A., however, learned counsel suffered a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to re-consider her representation and decide the same in accordance with law and the transfer policy, by passing a reasoned and speaking order while addressing all the points raised therein.

5. Issue notice to the respondents.

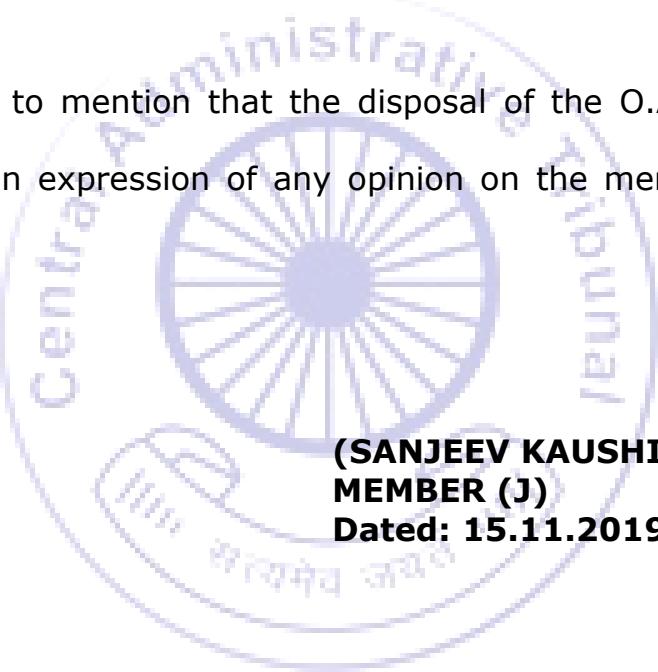
6. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice. He is not in a position to support the impugned order. He,

however, prays for grant of a week's time for re-consideration on the representation of the applicant.

7. In the wake of above consensual agreement between the parties, the impugned order dated 04.11.2019 (Annexure A-3) is quashed and set aside being non-speaking, and the O.A. is disposed of in limine, with a direction to the respondents to give a fresh consideration to the claim of the applicant in the light of grounds raised in her representation and pass a reasoned and speaking order within a period of seven days from the date of receipt of a copy of this order.

8. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 15.11.2019