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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00219 of 2019

Monday, this the 14th day of October, 2019

CORAM

Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

M.P.Saradhadevi,
Aged 43 years,
W/o Sarikumar Menon,
Junior Intelligence Officer Grade-I,
Bureau of Immigration, CIAL,
Kochi – 683 111,
Residing at Quarter 11/2, SIB Complex,
Karshaka Road, Kochi – 682 016.

... Applicant

(By Advocate Mr. Vishnu S.Chempazhanthiyil)

Versus

1. The Joint Deputy Director (Establishment),
Subsidiary Intelligence Bureau,
Vazhuthacaud, Thiruvananthapuram – 695 014.
2. The Deputy Director,
Subsidiary Intelligence Bureau,
Vazhuthacaud,
Thiruvananthapuram – 695 014.
3. The Joint Director (Establishment),
Intelligence Bureau Headquarters,
New Delhi – 110 021.
4. The Assistant Director,
Intelligence Bureau Headquarters,
New Delhi – 110 021.

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5. The Director of Intelligence Bureau,
Intelligence Bureau, New Delhi – 110 021.

6. The Union of India,
represented by the Secretary,
Ministry of Home Affairs,
New Delhi – 110 001.

..... Respondents

(By Advocate, Shri N.Anil Kumar, SCGSC for Respondent)

This application having been heard on 3rd October, 2019, the Tribunal
on 14th October, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.219/2019 is filed by Smt.M.P.Saradhadevi, against the orders
issued by Respondent-3, transferring her from BOI Cochin to SIB Jaipur
(Annexure A9). The reliefs sought in the OA are as follows:

1. Call for the records leading to the issued of Annexure A9 and set aside Annexure A9 in as much as the applicant is transferred to SIB Jaipur.
2. Direct the respondents to consider retaining the applicant at any Units in Kerala or in the alternative direct the respondents to consider posting the applicant to the choice stations indicated by the applicant in Annexure A7.
3. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
4. Award the cost of these proceedings

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2. This is the second round of litigation undertaken by the applicant. Initially the applicant, a Junior Intelligence Officer, Grade I, working in Bureau of Immigration, Kochi had been posted to Subsidiary Intelligence Bureau, Shillong. She moved OA No.575/2018 for cancelling the posting on the ground that the weather in Shillong is detrimental to her health. The said OA was disposed of with a direction to consider the applicant's representation and change her place of posting to another station. It is maintained in the OA that the applicant had actually wanted to be posted to Bangalore, Mumbai and Chennai and did not wish to be sent to Jaipur. The applicant maintains that she has various physical ailments such as Rheumatoid Arthritis and Tuberculosis, which need her to be in a place with salubrious weather. She states that she had been under Ayurvedic care for prolonged periods. It was under these circumstances that she had filed OA No.575/2018 challenging her transfer to Shillong and seeking a direction to accommodate her within Kerala State or any one of the choice stations that she herself had indicated. While OA was being considered, the respondents had, through a statement expressed their willingness to accommodate her either at Delhi, Jaipur or Meerut. The OA had been disposed of with a direction that respondents may consider her posting at any station other than Shillong. The respondents had not agreed to post her in any of her choice stations and posted her to Jaipur, which also does not have a climate to the liking of the applicant. It is maintained in the OA that several of her colleagues, who are transferred have all been

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accommodated in places of their choice. Several persons are continuing for long duration at particular stations, it is alleged. It is the applicant alone, who is being harassed in this manner.

3. In the reply statement filed on behalf of the respondents, it is strongly averred that the applicant belongs to a category with All India transfer liability. She had joined service in December, 1999 and except for a short spell of training in New Delhi, has been entirely posted in South India and Mumbai. She got posted to her home State in June, 2011 and has been continuing ever since. Initially her grievance was against her transfer to Shillong on the ground that the place reported inclement weather. Complying with the directions issued by this Tribunal, the transfer order was changed and she was posted to Jaipur. SIB, Jaipur has a very high vacancy percentage and needs her services. She has obtained certificates from private clinics to the effect that she is a patient of various diseases which necessitates her remaining in Kerala. Being an organisation spread all over the country, no employee can permanently remain in places of his or her own choice. If the facts of her physical condition are true, the facilities available in Jaipur are more than adequate to take care of the same.

4. We have heard Shri Vishnu S. Chempazhanthiyil on behalf of the applicant and the Standing Counsel for the respondents. The applicant

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when she approached this Tribunal in OA No.575/2018, had been complaining about the cold, wet weather in Shillong. We issued a direction to the respondents to consider her posting at any other station other than Shillong. The respondents had posted her to Jaipur which also appears not to the liking of the applicant. It is seen that she has been working in her home State from June, 2011 onwards and has clearly exceeded her term at BOI Cochin. Being a part of an All India organisation with liability to serve anywhere in the country, she cannot be consistently looking for stations which are of her own choice. And Jaipur, being a capital city, has excellent medical facilities which can treat the condition, the applicant has detailed.

5. Based on the above, we declare that the OA is lacking in merit. OA is dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00219/2019

1. Annexure A1 - True copy of the request dated 18.12.2017 to the 2nd respondent.
 2. Annexure A2 - True copy of the medical records in connection with the treatment availed by the applicant.
 3. Annexure A3 - True copy of the medical certificate dated 1.12.2017 issued by Superintendent, Oushadhi Panchakarma Hospital & Research Institute, Thrissur.
 4. Annexure A4 - True copy of certificate dated 12.3.2018 issued by Hridya Multi Speciality Clinic, Kakkanad, Kochi
 5. Annexure A5 - True copy of the order No.4/C-6/2018(5)-297 dated 8.3.2018 issued by the 3rd respondent.
 6. Annexure A6 - True copy of the communication No.4/Estt/C-6/2015(10)-643-44 dated 5.6.2018 issued by the 4th respondent.
 7. Annexure A7 - True copy of the request dated 7.6.2018 to the 3rd respondent.
 8. Annexure A8 - True copy of the order dated 23.1.2019 in O.A.No.180/00575/2018 of the Hon'ble Tribunal.
 9. Annexure A9 - True copy of order No.7-C-6-1999(205) 377 dated 21.3.2019 issued by the 3rd respondent.
 10. Annexure A10 - True copy of the order No.4/C-6/2018(5)-802 dated 27.6.2018 issued by the 3rd respondent.
 11. Annexure A11 - True copy of medical certificate dated 29.06.2018 issued by Medical Trust Hospital, Ernakulam.
 12. Annexure A12- True copy of order No.4/C-6/2018(4)-800 dated 27.6.2018 issued by the 3rd respondent.
 13. Annexure A13 - True copy of O.M.F.No.28034/9/2009-Estt(A) dated 30.9.2009 issued by the Department of Personnel & Training, New Delhi.
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