

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/ 721/2019

Date of Order: 14.08.2019

Between:

Smt. J. Prasanna Rani

Aged about 52 years

W/o Shri I.M. Raju

Stenographer

O/o Assistant Labour Commissioner (C)

CGO Complex, Vijayawada, AP.

.... Applicant

AND

1. The Union of India
Represented by its Secretary to Govt. of India
Ministry of Labour and Employment
Shram Shakti Bhavan, Rafi Marg, New Delhi-110 001.
2. The Chief Labour Commissioner (C)
Government of India, Ministry of Labour and Employment
Shram Shakti Bhavan, Rafi Marg, New Delhi-110 001.
3. The Deputy Chief Labour Commissioner (C)
ATI Campus, Shiavam Road
Vidyanagar, Hyderabad – 500 007.
4. The Assistant Labour Commissioner (C)
CGO Complex, Vijayawada, AP. ... Respondents

Counsel for the Applicant ... Mr. T. Koteswara Rao

Counsel for the Respondents ... Mr. B. Siva Sankar

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. The OA has been filed against the decision of the 3rd Respondent to not to forward the representation of the applicant dated 19.07.2019 to 2nd Respondent, in regard to transfer.

3. Brief facts of the case are that the applicant is working as Stenographer in the respondents organisation. The applicant after working for nearly 13 years in the Hyderabad office was posted at Vijayawada on 18.04.2012. However, she was brought back to Hyderabad on 28.06.2013. Thereafter, applicant was once again posted on 01.07.2016 in the Vijayawada office of the respondents organization, and is presently working at this office, i.e, Vijayawada. Applicant has submitted representations on 29.04.2019 and 19.07.2019 to 2nd Respondent through proper channel for retention at Vijayawada. The 4th Respondent has forwarded it to 3rd Respondent on 29.04.2019 but the 3rd Respondent refused to send the same to 2nd Respondent vide impugned communication dated 29.07.2019, and therefore, the OA.

4. The contentions of the applicant are that 2nd Respondent is the competent authority to order transfer of the applicant and, therefore, the 3rd Respondent withholding of her application is improper. The applicant claims that she has not completed 4 years in the present posting, and

that her husband has undergone heart operation. Hence, her presence at Vijayawada has become essential to take care of her sick husband.

5. Heard both the counsel and perused the pleadings on record.

6. The innocuous request of the applicant is to forward the application for transfer to 2nd Respondent, who is a competent transferring authority. It is not understood as to why the 3rd Respondent has not forwarded the applicant's representation to 2nd Respondent. The 2nd Respondent, being the competent authority, will have to take a view for either considering or rejecting the request of the applicant for transfer. In such circumstance, 3rd Respondent, not forwarding the representation of the applicant to 2nd Respondent, who is stated to be a competent authority, may not be a fair practice.

7. In view of the aforesaid, with the consent of both the counsel, the 3rd Respondent is directed to forward the representation of applicant to 2nd Respondent within a period of 15 days from the date of receipt of a copy of this order. Thereupon, 2nd Respondent is directed to dispose of the same within a period of 8 weeks from the date of receipt of the said representation. Till the representation of the applicant is disposed of by the 2nd Respondent, the applicant shall be continued in the present office.

With the above directions, the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 14th day of August, 2019

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