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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,

CALCUTTA

O. A. No. 351/00 1444 of 2019

IN THE MATTER OF:

SMT. K. MANJULA,

wife of Shri S. Kalidas, aged about 48 years, permanently residing at 15/10, Royal Enclave Flat, Ananya Street, Rangarajapuram, Modambakkam, Chennai and at present working to the post of Junior Engineer (Civil) in the Store Division of SSD-I, Chennai under the control and authority of Chief Engineer, APWD, Andaman and Nicobar Administration;

...Applicant

-Versus-

1. **UNION OF INDIA** service through the Secretary, Ministry of Urban Development and Employment, Government of India, Nirman Bhawan, New Delhi-110011.

2. **THE ANDAMAN & NICOBAR ADMINISTRATION** service through the

Chief Secretary, Secretariat Complex,
Port Blair-744101;

3. **THE SECRETARY, Public Works**
Department (PWD), Andaman & Nicobar
Administration, Secretariat Complex,
Port Blair-744101.

4. **THE CHIEF ENGINEER, Andaman**
Public Works Department, Andaman &
Nicobar Administration, Port Blair-
744101.

5. **THE ENGINEERING OFFICER** in the
office Chief Engineer, APWD, Andaman
and Nicobar Administration, Nirman
Bhawan, Port Blair-744101.

6. **THE EXECUTIVE ENGINEER, Store**
Division, APWD, Andaman and Nicobar
Administration, Nirman Bhawan, Port
Blair-744101.

7. **SHRI SAJAN MATHAI**, Junior Engineer
(Civil), in the office of Executive
Engineer, Store Division, APWD,

Andaman and Nicobar Administration,

Nirman Bhawan, Port Blair-744101

...Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

O.A/351/1444/2019

Date of Order: 30.10.2019

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

K. Manjula

-Vs-

APWD

For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, counsel

For The Respondent(s): None

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for the applicant. In view of the urgency requirement under Section 24 of the AT Act, 1985 is dispensed with.

2. Ld. counsel would submit that the applicant had made a prayer on 02.08.2019 requesting the Chief Engineer to consider her stay at the present place of posting till her child who is studying in Chennai Public School in Class IX, completes her Board examination.

3. In this O.A, the applicant has assailed the speaking order dated 03.10.2019, issued by the Chief Engineer APWD, and the office order dated 10.10.2019 by which the applicant has been directed to hand over the charge to one Sajan Mathai, Junior Engineer (Civil).

4. Ld. counsel would further submit that in total non consideration and disregard to her prayer for retention, the speaking order has been issued and, therefore, the respondents should be directed to reconsider the matter afresh and for the purpose ld. counsel would submit that the claim is fortified by *para 3 (a)* of the guidelines issued by the respondent authorities vide Circular dated 30th July, 2003 which reads as under:

"Committee will be guided by the following:

a) Case relating to medical problem educational difficulties other severe personal problem will ordinarily be considered by the Committee. However any specific case not covered by these guidelines can also be brought before the Committee, if warranted.

5. Ld. counsel would submit that he would be satisfied if a direction was given to the respondents to reconsider the prayer of the applicant for her retention for some more time, in view of the fact that the respondents have failed to consider her prayer as made in the representation dated 02.08.2019 which was directed to be considered in the earlier round of O.A 1102/2019.

6. In view of the innocuous prayer, the O.A is disposed of without entering into the merits of the matter, with a direction upon the Chief Engineer, APWD, to reconsider the representation sympathetically keeping in view the welfare of the child who is studying in class IX and may get mentally disturbed if uprooted from the present place of education. Let appropriate orders be issued by 4 weeks.

7. Until such time, the applicant would not be compelled to join the place of transfer.

8. The present O.A accordingly stands disposed of. No costs.

(Bidisha Banerjee)
Member (J)

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