

Seyfar

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No.586 of 2017
Date of order : 21-07-2017



Between :

P.Mahalaxmi W/o B.Suneel, Aged about 51 years, Occ : Matron, Ordnance Factory Hospital, Yeddumailaram, Medak, Sangareddy District-502205.

.....Applicant

And

1. Union of India rep by the Ordnance Factory Board,
Ministry of Defence, 10A, SK Bose Road, Kolkata-1.
2. The General Manager, Ordnance Factory, Medak,
Yeddumailaram, Sangareddy District.
3. The Works Manager (Admin), O/o Ordnance
Factory Medak, Yeddumailaram, Sangareddy District.

.....Respondents

Counsel for the Applicant : Dr.A.Raghu Kumar
Counsel for the Respondents : Mrs.K.Rajitha, Sr.CGSC

CORAM :

THE HON'BLE MRS.MINNIE MATHEW : MEMBER (A)

(Oral order per Hon'ble Mrs.Minnie Mathew, Member (A)).

Heard Dr. Raghu Kumar, learned counsel for the applicant and Mrs. K. Rajitha, learned Senior Central Government Standing Counsel for the Respondents.

2. The applicant is aggrieved by the Annexure-I order transferring her from Ordnance Factory Medak to Ordnance Factory Dehu Road, Annexure II order rejecting her representation dated 15.06.2017 and Annexure III orders in which it



has been ordered to relieve her from her duties with effect from 21.07.2017. The applicant contends that her case has not been considered under the spouse category as stipulated in the transfer policy of the Respondent organization and also DoP&T OM dated 30.09.2009. The learned counsel for the applicant submitted that the applicant's husband is also working in Ordnance Factory, Medak and that the impugned orders are in direct contravention of the Annexure A-IV of the memorandum dated 30.09.2009 which clearly states that as a matter of policy, the Government of India, decided that when both spouses are in the same Central Service and are working in the same Department and if posts are available, they may be mandatorily posted at the same station. He also drew attention to the OM which states that, "in the event of not being posted at same station, specific reasons have to be communicated to the employee". It was further submitted that the Annexure A II order has not communicated any reasons as to why her request should not be considered. He therefore prayed for suspension of the impugned orders till the disposal of the Original Application.

3. Mrs. K. Rajitha, the learned Senior Central Government Standing Counsel for Respondents, on instructions, submits that the applicant has completed more than 18 years in her present station and that she is working in a post which is in excess of the sanctioned strength of Matrons in OFMK. Hence there is no case for interference in the transfer order as the instructions in force are clear that husband and wife shall be posted together only when posts are available.

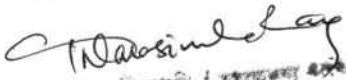
4. Having considered the submissions on both sides and also the material on record, I hold that the impugned Annexure-II order has been passed without



assigning any reasons as to why applicant's request for retention at OFMK cannot be acceded to. As such the impugned orders are in contravention of the Annexure-IV OM. Resultantly the impugned orders are suspended. There shall be a direction to the 1st Respondent to reconsider the Annexure A VIII representation dated 15.06.2017 made by the applicant in accordance with the transfer policy and Annexure A IV OM dated 30.09.2009 and pass reasoned orders within a period of four weeks from the date of receipt of a copy of this order. Further if there is a request from the applicant for a personal hearing prior to the disposal of her representation, the 1st Respondent shall afford suitable opportunity for the same.

5. The Respondents shall not take action to relieve the applicant until her representation is reconsidered and orders issued by the 1st Respondent.

6. Original Application is disposed of accordingly with no order as to costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY
केस नंबर O.A. 586/17
निर्णय का तारीख 21/7/17
DATE OF JUDGEMENT
प्रति तैयार किया गया तिथि 24/7/17
COPY MADE READY ON

Section Officer / Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच/Hyderabad Bench

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