

Chief Justice's Court

Case :- WRIT - A No. - 15090 of 2020

Petitioner :- Smt. Ranjana Singh And Another

Respondent :- Union Of India And 6 Others

Counsel for Petitioner :- Niraj Tiwari

Counsel for Respondent :- A.S.G.I.

Hon'ble Govind Mathur,Chief Justice

Hon'ble Piyush Agrawal,J.

Mr. Manoj Kumar Singh, learned counsel appears on behalf of Union of India.

This petition for writ is before us to examine correctness of the judgment dated 14th December, 2020 passed by learned Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application No. 330/00722/2020 along with Original Application No. 330/00724/2020.

Learned Tribunal while dismissing the Original Application refuse to interfere with an order of transfer by arriving at a conclusion that there is no violation of any statute. The order of transfer is also not outcome of mala fides and that is also not shockingly arbitrary. Learned Tribunal also held that the transfer policy on which a reliance is placed by the applicant, writ petitioner herein, is nothing but administrative instruction and, therefore, the same is not justifiable.

Before us it is urged that learned Tribunal failed to appreciate that though the policy of transfer is not statutory but that has been uniformly applied and its condition (xiii) prescribing that "when both the husband and wife are working in MES and fall within this posting policy, they may mandatorily be posted at the same station if posts are available". According to learned counsel, the mandatory policy is required to be adhered and that cannot be ignored if any post is available with the respondents.

While opposing the petition, it is submitted by learned counsel

appearing on behalf of the respondents that a representation submitted by the petitioner no. 2 is pending consideration but in view of the fact that both the petitioners are working in different commands, they cannot be posted at same station, in same command, till getting transfer of one among them to a command where other petitioner is already working. It is also brought to our notice that no application is yet been moved by any of the petitioner for change of their command. Learned counsel has also submitted that in fact the petitioner no. 2 was transferred to Gorakhpur at his own request to serve his ailing parents. He has already completed his term at Gorakhpur and, as such, he has been transferred to another place. At the time of transfer to Gorakhpur, the petitioner no. 2 was unmarried and while remaining at Gorakhpur, he entered into wedlock with petitioner no. 1 who is working at different command.

Having considered the facts stated by learned counsel appearing on behalf of the respondents, we deem it appropriate to dispose of this petition for writ by keeping it open for the petitioners to submit appropriate application for change of their command and to remain at one station in accordance with the posting policy. If the petitioners submits any such application within a period of fifteen days from today, the same shall be considered by the competent authority in accordance with law expeditiously, as far as possible within a period of one month from the date of submission of such application.

Petition is accordingly disposed of.

Order Date :- 23.12.2020
VMA

(Piyush Agrawal, J.) (Govind Mathur, C.J.)