

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.29554 of 2011

% Date: 03-01-2018

Smt. K.Surya Kumari, W/o K.V.V. Satyanarayana Murthy,
Aged 54 years, Technical Officer B, Naval Science &
Technological Laboratory, Vigyan Nagar,
NAD Kotha Road, Visakhapatnam, R/o Plot Nos.15 & 16,
Near ECMP, Behind Sujatha Nagar Bus Stop,
Pendurthy Road, Visakhapatnam

... Petitioner

Vs.

\$ 1. The Union of India, Rep. by its Secretary,
Ministry of Defence, Govt. of India, New Delhi-01;
and 7 others

... Respondents

! Counsel for Petitioner: Dr. P.B. Vijaya Kumar

Counsel for Respondents 1 to 4: Mr. K.Lakshman,
Asst. Solicitor General

Counsel for Respondents 5to7: ---

Counsel for Respondent No.8: ---

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.29554 of 2011

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition challenging the refusal of the Central Administrative Tribunal, Hyderabad, to quash an order of suspension, but issuing a direction to the respondents to review the suspension and to transfer her to a different place.

2. Heard Dr. P.B. Vijaya Kumar, learned counsel for the petitioner and Mr. K.Lakshman, learned Assistant Solicitor General of India for the respondents 1 to 4.

3. The petitioner was placed under suspension on 21-01-2009. Three charge memos were issued against her. One charge memo was quashed by the Tribunal and one charge memo has now ended in a minor penalty. Another charge memo ended in censure.

4. In one single original application O.A.No.309 of 2010, the petitioner challenged one charge memo and the order of suspension. The Tribunal refused to quash the charge memo. But on the question of suspension, the Tribunal directed review of the order of suspension with a further direction that the petitioner may be transferred.

5. Accordingly she was transferred, but the transfer order was stayed by this Court on the ground that the petitioner was a victim of sexual harassment and that instead

of transferring the perpetrator, the Department sought to transfer the petitioner.

6. Leaving that as a past history, the petitioner has now retired from service. Before her retirement, she was reinstated into service on 04-3-2013. Therefore, what remains to be addressed in this writ petition is as to how to treat the period of transfer from 07-10-2011 up to the date of reinstatement viz., 04-3-2013.

7. Admittedly, the order of transfer was stayed by this Court. The petition to vacate the stay filed by the Union of India was dismissed by this Court. Therefore, the period from 07-10-2011 to the date of reinstatement viz., 04-3-2013, has to be treated only as duty for all practical purposes. This is in view of the fact that the transfer order was not merely stayed but the vacate stay petition was also dismissed.

8. Therefore, the writ petition is disposed of giving a limited direction to the respondents to regularise the period from 07-10-2011 up to 04-3-2013 as period of duty for all purposes. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

03rd January, 2018.

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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition No.29554 of 2011
(per VRS, J.)



03rd January, 2018.
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