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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10658/2018 & C.M.Nos.41559-60/2018 (for exemption),
41561/2018 (additional documents.)
DR. TEJINDER KAUR Petitioner
Through In person.
versus

UNION OF INDIA AND ANR. Respondent
Through Ms.Bharti Raju, CGSC for R-1.
Mr.Sanjiv Joshi, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.10.2018**

1. The present petition has been filed by the petitioner assailing an order dated 26.07.2018 passed by the Central Administrative Tribunal dismissing O.A.No.3582/2016 filed by her praying *inter alia* for quashing of an order dated 09.09.2016 transferring her from Delhi to the Regional Centre of the respondent no.2 at Indore on the post of Regional Director.
2. By the impugned order dated 26.07.2018, the Tribunal has declined to interfere with the transfer order impugned by the petitioner, by taking note of the fact that an employee like her, who has remained at one station for almost three decades, cannot complain when she is transferred to another city. The Tribunal has also noted that the post of Joint Director/Regional Director at Indore, happens to be that of a Unit Head and the competent authority had taken a well informed decision to transfer her, particularly when clause 5(vi) of the *W.P.(C) 10658/2018*

petitioner's order of appointment dated 10.06.2013, clearly states that her "*appointment carries with it all India transfer liability*".

3. The petitioner who appears in person, contends that since the respondents had not been able to point out any clause in the Bye-laws of the respondent no.2 that contemplates transfer of an employee, then they are not empowered to transfer an employee. The petitioner, however, does not deny the terms and conditions of her appointment, as spelt out in Memorandum dated 10.06.2013, wherein it has been clearly stated that her "*appointment carries with it all India transfer liability*".

4. The claim of the petitioner that she is being singled out and the condition of an all India transfer liability in her appointment letter was arbitrary and illegally incorporated, is found to be devoid of merits. The records reveal that even as early as on 13.12.2004, the order of appointment in respect of one Dr.Ashok Kumar holding the same post, mentioned in the Memorandum dated 13.12.2004, the same stipulation that his "*appointment carries with it all India transfer liability*".

5. The petitioner cannot deny the fact that her service conditions in the appointment order dated 10.06.2013 includes transferability, which condition has never been challenged by her, therefore, there is no question of her raising any grievance about her being transferred out of Delhi at this belated stage and that too after remaining posted in the same city for over three decades.

6. We do not find any error in the impugned order which would

warrant interference. The present petition is accordingly dismissed in *limine*, as being meritless alongwith the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 08, 2018

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