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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 168/2020, C.M.470/2020 (stay)

MEENU DUA

..... Petitioner

Through: Mr.R.K.Kapoor and Ms.Priya Pande,  
Advocates.

versus

CENTRAL PUBLIC WORKS DEPARTMENT AND ORS.

..... Respondents

Through: Ms.Mrinalini Sen, Ms.Kritika Gupta,  
Advocates for respondents no.1 and 2 with  
Mr.S.N.Thakur, LDC.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **16.01.2020**

1. With the consent of the parties, the writ petition is taken up for hearing and final disposal at the admission stage itself.
2. The petitioner is aggrieved by the order dated 02.01.2020 passed by the Central Administrative Tribunal ('Tribunal') by which the O.A. NO.100/6/2020 has been dismissed.
3. Mr.R.K.Kapoor, learned counsel for the petitioner, submits that the order of the Tribunal is liable to be set-aside as the Tribunal has failed to take into consideration even a single ground raised by the petitioner and the impugned order has been passed without giving any cogent reasons. Counsel further submits that the Tribunal has completely over-looked the O.M. dated 08.10.2018 as per which and the petitioner would be exempted from transfer. Counsel submits that the petitioner is the primary care-giver to her mother-in-law, who is about 90 years of age, bed-ridden and suffering from various ailments. He submits that there is no other person available to look after the daily needs of her mother-in-law.
4. In this backdrop, it is prayed that the order of transfer be quashed and petitioner be allowed to continue at her present place of posting.
5. Ms.Mrinalini Sen, counsel for the respondents No.1 and 2, has

vehemently opposed the prayer made in the writ petition. She submits that the petitioner is posted at the present place since 1997. Counsel submits that barring the petitioner, her husband's permanent place of posting is also at Delhi; and also that the mother-in-law of the petitioner has four children, two sons and two daughters, who are all stationed at Delhi.

6. It is submitted that accordingly there is no infirmity in the order passed by the Tribunal. Learned counsel also submits that O.M. dated 08.10.2018, that is sought to be relied upon, would not apply to the facts of the present case as the daughter-in-law/petitioner herein cannot be termed as the 'main care-giver' in the light of the fact that there are three other siblings who are stationed at Delhi and in a position to take care of the mother-in-law.

7. We have heard the learned counsel for the parties and have considered their rival contentions.

8. We are conscious of the fact that the mother-in-law of the petitioner, who is aged, is residing along with the petitioner, her husband and children. However, after taking into consideration that the petitioner has been at the present place of posting since the year 1997; and the fact that the petitioner's mother-in-law has four children, two sons and two daughters, who all are stationed at Delhi and are in a position to look after their mother, we are of the considered opinion that there is no infirmity in the Tribunal's order and no grounds are made-out to interfere by way of this writ petition.

9. The same is accordingly dismissed.

**C.M.470/2020 (stay)**

10. In view of the order passed in the writ petition, the application stands disposed of.

**G.S.SISTANI, J**

**ANUP JAIRAM BHAMBHANI, J**

**JANUARY 16, 2020/rb/**  
**W.P.(C) 168/2020**

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