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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10374/2018 and CM APPL. 40415/2018 (Stay)

MADHURI DABRAL

..... Petitioner

Through: Mr. S.K.Das, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Abhigyan Siddhant and Mr.
Shaurya Jain, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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24.02.2020

1. On 1st October, 2018, the following order was passed:-

“1. The petitioner is aggrieved by the order dated 17.07.2018 passed by the Tribunal, dismissing an Original Application (O.A.No.486/2015) filed, by her challenging her transfer order to Guwahati.

2. At the outset we have enquired from learned counsel for the petitioner as to how the petitioner remained in Delhi after the transfer order dated 31.12.2013 was received by her on 02.01.2014 and she had handed over the charge to the relieving officer on 13.01.2014 particularly when she did not file any petition impugning the transfer order before the Tribunal till February 2015 and even when she did file the original application, no interim order was granted in her favour.

3. An affidavit shall be filed by the petitioner in this regard explaining her conduct within four week.

4. Learned counsel for the respondents shall also obtain instructions from the Department, as to whether any salaries were released to the petitioner after she had handed over the

charge to the relieving officer on 13.01.2014. He shall also obtain instructions whether any leave was sanctioned to the petitioner w.e.f. 13.01.2014 and if so the extent of leave granted to her.

5. The petitioner shall remain present on the next date of hearing.

6. List on 29.10.2018.

7. *Dasti* under the signatures of the Court Master to counsel for the respondents for compliance.”

2. Pursuant to the above order the Petitioner has filed an affidavit on 29th October, 2018. It is seen that no reasonable explanation has been given by the Petitioner for not reporting for duty for over three years and eight months after being relieved pursuant to the transfer order dated 31st December, 2013. The Court notices that in para 11 of the said affidavit, the Petitioner *inter alia* offers an “unqualified apology for misunderstanding the provisions of law”.

3. Additionally, the Court has been shown copy of an order dated 3rd January, 2014 issued by the Department of Posts, Ministry of Communications & IT, which shows that the cheque for the Transfer Travelling Allowance (‘TTA’) was prepared on that date itself.

4. In the circumstances, the Court finds no reason whatsoever to interfere with the impugned order dated 17th July, 2018 of the Tribunal as well as the impugned transfer order dated 31st December, 2013.

5. The petition and the pending application are accordingly dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 24, 2020

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