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ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA Nos. 673/2002 with
OA No. 817/2002
OA No. 794/2 02
OA 832/2002

New Delhi this 27th day of August, 2002

Hon'ble Mr. Kuldip Singh, Member (J)

OA 673/2002
LA Nos. 1116, 1457 and 1772 of 2002

J.N. Pandey
133, Laxmi Bai Nagar,
New Delhi-110 023.

...Applicant.

Versus

1. The Union of India
Through the Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi-110 011.
2. The Director General of Works,
Central Public Works Department,
Nirman Bhavan,
New Delhi.
3. Shri D.C.R. Azad,
Deputy Director (Horticulture)
Central Public Works Department,
Shastri Bhavan,
Nungambakkam, 0
Chennai-110 034.

...Respondents

OA 817/2002
LA Nos. 690 and 691 of 2002

Shri Gangaram
Dy. Director (Hort)
Dev. Div. No. 1,
P.D.L.S.C Building,
New Delhi.

...Applicant

Versus

1. The Union of India
Through the Secretary,
Ministry of Urban Development,
Nirman Bhavan,
New Delhi-110 011.
2. The Director General of Works,
Central Public Works Department,
Nirman Bhavan,
New Delhi.
3. Shri R.C. Katyar
Dy. Director (Hort)
Race Course,
Kamal Ataturk Marg,
New Delhi.

...Respondents

OA 794/2002

Shri R.K. Sharma
 Dy. Director (Hort)
 Hort. Divn VI,
 I.P. Bhavan,
 New Delhi.

...Applicant

Versus

1. The Union of India
 Through the Secretary,
 Ministry of Urban Development,
 Nirman Bhavan,
 New Delhi-110 011.
2. The Director General of Works,
 Central Public Works Department,
 Nirman Bhavan,
 New Delhi.

..Respondents

OA 832/2002
 I.A Nos. 816 and 1111 of 2002

Shri Sukhbeer Singh
 Dy. Director (Hort)
 Hort. Division I,
 CPWD,
 Delhi.

...Applicant

Versus

1. The Union of India
 Through the Secretary,
 Ministry of Urban Development,
 Nirman Bhavan,
 New Delhi-110 011.
2. The Director General of Works,
 Central Public Works Department,
 Nirman Bhavan,
 New Delhi.
3. Shri B.C. Katyar
 Dy. Director (Hort)
 Race Course,
 Kamal Ataturk Marg,
 New Delhi.
4. Shri Ganga Ram
 Dy. Director (Hort)
 Dev. Divi No.1
 PWD ASO Building,
 New Delhi.

..Respondents

Shri K.B.S. Rajan, Counsel for the applicants in all the OAs.
 Shri Arun Bhardwaj, counsel for the intervenors in OA Nos. 832/2002,
 673/2002 and OA 817/2002.

S/Shri M.M. Sudan, Sr. Counsel with Dr. S.P. Sharma and Sh. Surender
 Singh, Counsel for the respondents.

1/2

CP No. 175/2002 In OA 832/2002

Shri B.C. Katiyar
S/o Shri R.S. Katiyar
R/o 273 Sector-I,
Sadic Nagar,
New Delhi-110-049.

..Petitioner

By Advocate Shri Arun Bhardwaj.

Versus

Shri Sukhbir Singh
S/o Late Shri Durjan Singh
R/o 3/102 Lalita Park,
Lamai Nagar,
Delhi-110 092.

..Respondent

By Advocate Shri K.B.S. Rajan.

ORDER (ORAL)

By this common order I shall be deciding four OAs bearing No. 673/2002, 817/2002, 794/2002 and 832/2002.

2. Vide OA No. 673/2002 the applicant Shri J.N. Pandey was transferred vide order dated 7.3.2002 and has been promoted to officiate as Dy. Director, Horticulture from Delhi to Horticulture Division, Chennai vice Shri D.C.R. Azad. Similarly applicant in OA No. 794/2002 (Shri R.K. Sharma) has been transferred from Horticulture Division, Delhi to Horticulture Division, Bhopal against the existing vacancy vide order dated 7.3.2002, applicant in OA No. 817/2002 (Gangaram) has been promoted to officiate as Dy. Director of Horticulture in Development Division No. III, CPWD, Bombay vice Shri N.S. Chauhan vide order dated 26.2.93 and vide order dated 20.10.1993 he has been again transfer from Mumbai to CPWD, Delhi and applicant in OA 832/2002 (Sukhbeer Singh) has challenged the transferred order dated 22.3.2002 vide which he has been transferred from Hort. Div. I, CPWD to Hort. Div. I, PWD Delhi vice Shri Gangaram who has been transferred to Hort. Division, CPWD, Kolkatta. All the applicants have prayed for quashing of the transfer orders.

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3. All these OAs are being contested.

4. I have heard the learned counsel for the parties and gone through the records of the case.

5. The case of Shri J.N. Pandey was taken up as a leading case. Shri K.B.S.Rajan, Counsel appearing for the applicants submitted that all these transfer orders are against the existing guidelines for the post of Assistant Director/Deputy Director.

The counsel for the applicants then submitted that according to this policy, a tenure of 4 years in Delhi and 3 years allowed outside Delhi has to be normally, but all these applicants are not being allowed to complete the tenure in Delhi and are being sent outside. Though the order of transfer in all the cases show that because of the exigency of service these persons are being transferred outside Delhi but the fact remains that the vacancies are available in Delhi itself so these persons should be accommodated in Delhi itself.

6. Taking up the case of Shri J.N. Pandey, the counsel for the applicant submitted that Shri Pandey was promoted from the post of Assistant Director to the post of Deputy Director and was transferred to Chennai vice Shri D.C.R. Azad. Though another vacancy was likely to arise and applicant had requested by representation that even if his promotion is postponed for a period of one month or so, but he may be adjusted in Delhi itself is further submitted that and should be allowed to complete the normal tenure. It despite that another person has also retired and another vacancy had become available, so the applicant can be adjusted in Delhi itself.

7. Counsel for the respondents agreed to consider the request of the applicant Shri Pandey.

8. The counsel appearing for Shri D.C.R. Azad submitted that he since has been transferred to Delhi on compassionate grounds so he should also be allowed to join at Delhi.

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9. In reply to the above, the learned counsel appearing for the respondents in all the OAs agreed that since vacancies have become available, the department will re-examine the position and will adjust the applicants as far as possible in Delhi itself.

10. Accordingly, the OAs are disposed of with a direction to the respondents to see to it that all the applicants, if possible are adjusted in Delhi itself within the framework of the policy for the completion of their tenure in Delhi. This exercise may be carried out within a period of 2 months from the date of receipt of a copy of this order. No costs.

11. In view of the above, CP 175/2002 in OA 832/2002 may be listed on 5.9.2002, ~~including before information~~.

Rakesh (Kuldeep Singh)
Member (J)

Rakesh