

4

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2394/2002

This the 23rd day of October, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Shiv Parkash
S/o Shri Pyare Lal,
R/o House No.115, J&K Block,
Laxmi Nagar,
Delhi.
(By Advocate: Sh. Suresh Bisaria)

Versus

1. Indian Council of Medical Research
through
Director General,
V.Ramalingaswamy Bhawan,
Ansari Nagar, New Delhi-29.
2. Institute of Pathology,
through
Officer Incharge/Director,
Safdarjung Hospital Campus,
Post Box No.4909, New Delhi.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

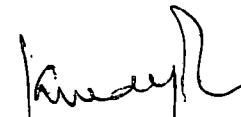
This OA has been filed to assail the order dated 3.9.2002 (Annexure A-1) vide which the Officer-in-Charge of Institute of Pathology, Safdarjung Hospital Campus, New Delhi was informed by the office of the Director General, Medical Research that the post of Technical Officer in the scale of Rs.6500-10500 which is lying vacant at the Institute of Pathology, New Delhi has been transferred from New Delhi to Rajendra Memorial Research Institute of Medical Sciences, Patna with immediate effect.

2. Counsel for applicant submits that this exercise has been done with a malafide intention and ulterior motives as Resp. No.1 is interested in accommodating some of his own person to whom he want to promote at Patna instead of Delhi. In para K of the OA, it is submitted that this is categorically an ulterior motive and he wants to accommodate his own man and to

Ans

oblige after receiving the letter of the resp. No.2 passed an order without considering the facts of the case. Counsel for applicant also shows a letter dated 4.9.2002 that Resp. No.2 has wrote to Resp. No.1 about the dire need to fill up the vacancy at Delhi itself.

3. In my view, the decision to fill up the post at best is with the respondents. Resp. No.1 is overall incharge and responsible authority to see as to what post is to be filled at which place. Impugned order Annexure A-1 is also a decision of Resp. No.1. It may also be pertinent to note here that earlier this post was brought from Jabalpur to Delhi and now respondents are at their own wisdom to send this post to Patna. This is a policy decision of Resp. No.1. So I think I should not interfere ⁱⁿ it. OA is dismissed.


(KULDEEP SINGH)
Member (J)

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