

CENTRAL ADMINISTRATIVE TRIBUNAL

(PRINCIPAL BENCH)

New Delhi

OA/TA No. 1455 OF 2001

N. Sakkas v/s. Director General & Another.

PART - I PERMANENT RECORD

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Order Sheet/Judgments

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Signature & Date :	Signature & Date :
Name :	Name :
Designation :	Designation :

S-1

Q.A 1455/2001

4.6.2001

Present: Sh. George Pouachen, counsel for applicant.

Heard.

Applicant has filed this O.A. assailing his transfer order dated 28.5.2001 (Annexure 'A'). The main grievance of ~~that~~ the applicant is that there are only eight months left in his retirement on superannuation and he has been transferred from Delhi Central Circle-I, CPWD to P.W.D. Circle-II of Govt. of N. C. Delhi when his pension papers are already under process in C.P.W.D. It is submitted that his transfer at this stage would subject him to lot of harassment, if it is not stayed.

Issue short notice on interim prayer returnable on 15.6.2001. Meanwhile, I restrain the respondents to act upon the impugned transfer order so far it relates to the applicant. List on 15.6.2001. Issue DASTI.

Amrit
(Amritpal Singh)
M(T).

Today

✓
1/1/2001

Vacation Bench

No.8

OA-1455/2001

15.06.2001

Present : Sh. JA chaudhary, proxy for sh. George Paracken, counsel for applicant.
Sh. B.S. Maine, proxy for Mrs. Meenu Maine, counsel for respondents.

Proxy counsel appearing on behalf of respondents counsel seeks and is allowed three weeks time to file short reply regarding interim relief.

List the case for hearing on interim relief on 05.07.2001.

Interim order earlier granted to continue till the next date of hearing.

AV
(Dr. A. Vedavalli)
Member(J)

/vv/

Item No.53

OA No.1455/2001

06.07.2001

Present : Shri Beogre Parackin, learned counsel for the applicant

Ms. Meenu Mainee, learned counsel for the respondents

Learned counsel for the applicant seeks and is allowed two weeks' time to file rejoinder.

List on 20.7.2001.

Interim order to continue till the next date of hearing, if any.


(M.P. Singh)
Member(A)

/ravi/

20.7.2001

Item No. 58

OA No. 1455/2001

MA No. _____

Present: Sh. George Pernachan for applicant.

MS Mami Mami for respondents.

Stands over to 24.7.2001.

Interim order to continue until further
orders.

V.K. Majotra
Member (Admnv)

or not admitted
Shalt Reply filed
Rejoined filed

Item-34

O.A.1455/2001

31.7.2001

Present: Sh.George Paracken, counsel for the applicant.

None for the respondents.

Pleadings in this case are reportedly complete.

List on 3.8.2001 for PFH.

Interim order, if any, to continue till the next date.


(Kuldip Singh)
Member(Judl)

/dm/

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DA 1036/2001

DA 1455/2001

3-8-2001

Present :- Sh. George Paracken, counsel
for the applicant.

Sh. M. L. Chawla, proxy counsel
of Ms. Meenu Marine for respondents.

At the request of Sh. George
Paracken, listed on 17-8-2001.

Intervenor ~~be~~ relief to continue, if any.

Am

(Kuldeep Singh)
H.L.O.

1455/01

Present :- Sh. George Paracken, Counsel for
the applicant

Ms. Meenu Marine, Counsel for the
respondents

Order passed separately
in the general by the S.P. of
Hon'ble Mr. Shantilal Rayji M.J.

Go
Sh

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1455/2001

New Delhi, this the 17th day of August, 2000

HON'BLE Sh. SHANKER RAJU, MEMBER (J)

In the matter of:

Sh. N.Sarkar
S/o Late C.S.Sarkar,
R/o BD-833, Sarojini Nagar,
New Delhi-110023. Applicant
(By Advocate: Sh. George Parackin)

VS.

1. Director General (Works),
C.P.W.D. Nirman Bhawan,
New Delhi-110011.

2. Superintending Engineer,
Delhi Central Circle-I, C.P.W.D.,
I.P.Bhawan,
New Delhi-110002. Respondents
(By Advocate: Ms. Meenu Mainee)

ORDER (ORAL)

Counsel for respondents states that short reply filed by her on 6.7.2001 be treated as a final reply to the OA and the case may be disposed of on that basis.

2. Heard both the counsel for the parties.

3. The controversy in the present OA is the transfer order of the applicant dated 28.5.2001 whereby from the Delhi Central Circle-I, CPWD he has been posted to PWD Circle-V, the applicant has made a representation on 30.5.2001 which is still to be answered by the respondents. Learned counsel for the applicant has assailed the order of transfer on the ground that the same is not in accordance with the CPWD Manual as he had to retire on 31.1.2002 and about 5 months and few days are left the respondents have transferred the applicant which is not in accordance with the policy decision as minimum stay for

5 years is stipulated. It is stated that the applicant would be completing 4 years and 11 months on 31.1.2002 at the time of his superannuation. The applicant has also contended that pension papers of a Government servant have to be prepared in Form 7 and the Head of Office shall complete part-I of Form 7 not later than 6 months of the date of retirement of the Government servant and as such if he is transferred he would be in difficulty in purusing the timely payment of the pension and other retiral dues as the circles would be changed.

4. In the background it is stated that the transfer order is punitive and is not either in the administrative exigency or in public interest.

5. Whereas rebuting strongly the contentions of the applicant the learned conse1 for the respondents stated that the Government servant shall not be transferred at the fag end of one's career unless necessitated by administrative exigencies. This transfer was made according to the order of the CVC vide their circular dated 15.4.99 which has statutory power saying that in case of sensitive post the person is to be rotated after 2 or 3 years and as the applicant has completed 2 years on 3.3.99 he has been rightly transferred. As regards the CVC directives it is states that the same has statutory force which will prevail over CPWD Manual and guidelines therein. As regards the contention of the applicants his representation to depute him in the same circle as well the as the transfer to PAO (NDZ) it is fairly submitted at Bar that the representation of the applicant would be considered and he would be transferred to any circle in the accounting zone of PAO (NDZ) and would not be shifted to PWD Circle V. On my querry learned counsel for the respondents stated that Sh.

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J.L.Malik and Sh. Nanak Chand who were in the similar situation have been spared from transfer as they were to superannuate within one year. It is also stated that the incumbants have made representation much before the transfer orders have been effected as such the same is not feasible in the case of the applicant as the person on implementation of the transfer order has joined in his place and the place from where he had come has also been filled up.

6. I have carefully considered the rival contentions of the parties and perused the material on record.

7. Without going into the merits, the counsel for the respondents have fairly submitted that request of the applicant for his transfer to any circle under the accounting zone of PAO (NDZ) would be acceded to. Having regard to this, the present OA is disposed of with the directions to the respondents to consider the request of the applicant for transfer to any circle under the accounting zone PAO (NDZ) contained in his representation dated 30.5.2001 and to transfer the applicant to any circle under PAO (NDZ) as agreed to by the respondents within 10 days from today and till then he shall not be deputed to PWD Circle V. No costs.

Issue dasti to both the parties.

S. Raju
(SHANKER RAJU)
Member (J)

'sd'