

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1970/2001

Hon'ble Shri Shanker Raju, Member (J)

New Delhi, this the 9th day of August, 2001

Shri N.R.Yadav
r/o 58, Kalibari Apartments
Udayan Marg
Near Central School
Gole Market
New Delhi.

... Applicant

(By Advocate: Shri S.S.Tiwari)

Vs.

1. Union of India through
Secretary to the President
of India, Rashtrapati Bhawan
New Delhi.
2. Under Secretary (Administration)
President's Secretariat
Rashtrapati Bhawan
New Delhi.
3. Dy. Military Secretary to the President
President's Secretariat
Rashtrapati Bhawan
New Delhi. ... Respondents

(By Advocate: Shri V.S.R.Krishna)

O R D E R(Oral)

By Shanker Raju, Member (J):

Heard the arguments of both the counsel.

The grievance of the applicant, who is working as Sectional Officer, is that by the impugned order dated 3.8.2001 he has been detailed on temporary duty at Rashtrapati Nilayam, Bolarum, Secunderabad for a period of one week commencing from 10.8.2001 to take over the charge of Garden Establishment of Secunderabad from Shri K.Venkateswarlu, Sectional Officer (Hort.) who is being repatriated to his parent department. The applicant has also assailed the orders dated 19.7.2001 and 27.7.2001 where the applicant has been directed to take the charge of

Garden Establishment at Bolarum and further after taking over the charge he will brief the senior most person in Bolarum.

2. The grievance of the applicant is that under the garb of deputing him on temporary posting for a period of one week, the respondents have resorted to transfer of the applicant with a view to favour one Shri R.S.Tomar who has been stated to be working as Garden Suptd. and has signed the impugned order dated 27.7.2001 in the same capacity, whereas he is only a Sectional Officer.

3. The applicant while drawing my attention to a letter written by a Director (Horticulture) to the Secretary to the President of India on 18.5.2001 has contended that therein it has been stated that Shri R.S.Tomar has been been a liability. It is also apprehended by the applicant that in the event he is sent to Secunderabad for a week, the respondents may not go ahead with the process of promotion and consider the case of Shri R.S.Tomar whereas the applicant is the seniormost person in the Delhi Division.

4. Strongly rebutting the contentions of the applicant, the respondents have stated that the orders passed on 27.7.2001 as well as on 19.7.2001 are of no relevance as the order by which the applicant has been deputed to temporary assignment is one which is passed on 3.6.2001. It is also stated that Shri R.S.Tomar in fact is working as Sectional Officer and has not been officiating as Garden Superintendent. It is also

stated, at the Bar, that the detailing the applicant on temporary duty at Secunderabad would be restricted to only one week as described in the order dated 3.8.2001 and also during this period there is no occasion for them to go ahead for conducting any proceedings pertaining to the promotion of either the applicant or Shri R.S.Tomar or anybody else to the next promotional post. (5)

5. I have carefully considered the rival contentions of the parties and perused the pleadings on record. In view of the statement made by the learned counsel of the respondents with regard to the temporary duty of the applicant to Bolarum confined only for a week and during this period no promotional process would be initiated, I dispose of this OA at the admission stage itself by issuing a directions to the respondents to act strictly in accordance with the orders passed on 3.8.2001 irrespective of the commencement of the journey date and not to initiate any process meant for promotion involving applicant as well as Shri R.S.Tomar during this period. The OA is accordingly disposed of. No costs.

6. A copy of this order be issued 'DASTI' to both the parties.

S. Raju
(SHANKER RAJU)
MEMBER(J)

/RAO/