

Central Administrative Tribunal: Principal Bench

O.A.No.2501/2001  
M.A.No.2099/2001

New Delhi, this the 21st day of September, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M. P. Singh, Member(Administrative)

1. Shri R. Radhakrishnan  
S/o Shri (late) R. Raghavan,  
Dy. Director  
D.G.S & D,  
5, Sansad Marg,  
New Delhi.  
  
R/o 138, Nilgiri Apartments,  
Alaknanda,  
New Delhi - 48
2. Shri A.K. Aggarwal  
S/o late Shri T.R. Aggarwal  
Dy. Director  
D.G.S.&D  
5, Sansad Marg,  
New Delhi.  
  
R/o Flat No.6, Parmarth Apartments,  
Vikaspuri,  
New Delhi - 18
3. Shri M.A. Khan  
S/o late Shri B.M. Khan  
Dy. Director  
D.G.S & D.  
5, Sansad Marg  
New Delhi  
  
R/o 10, Abul Fazal Apartments,  
Vasundhara Enclave,  
Delhi - 96
4. Shri J.B. Agarwal  
S/o late Shri S.S. Lal  
Dy. Director,  
D.G.S & D  
5, Sansad Marg,  
New Delhi  
  
R/o A-262, Pandara Road,  
New Delhi - 110 003

5. Shri S.C.H. Asnani  
S/o late Shri H.T. Asnani  
Dy. Director  
D.G.S. & D  
5, Sansad Marg,  
New Delhi

R/o J-12/16, Rajouri Garden,  
New Delhi - 110 027

6. Shri K.K. Marwah  
S/o late Shri L.M. Marwah  
Dy. Secretary,  
Ministry of Labour  
New Delhi

R/o 17, SFS, Ashok Vihar Ph.4  
Delhi - 52

7. Shri S.D. Narang  
S/o late Shri B.R. Narang  
Dy. Director  
D.G.S & D  
5, Sansad Marg,  
New Delhi

R/o D-1/187, Lajpat Nagar,  
New Delhi - 48

8. Shri K.S.P.S. Tomar  
S/o Shri M.P. Singh  
Dy. Secretary,  
Ministry of Rural Development  
Krishi Bhavan,  
New Delhi.

R/o Kishore Villa,  
Gurdwara Road,  
Gurgaon.

9. Shri Devendra Kumar Singh  
S/o Shri T.P. Singh  
Welfare Commissioner (Headquarters)  
Ministry of Labour,  
Jaisalmer House,  
New Delhi - 110 011

R/o C-407, UNESCO Apartments,  
Plot No. 55, I.P. Extension  
Delhi - 110 092

10. Shri S.N.Srivastava  
S/o Shri S.N.Srivastava  
Dy. Director,  
D.G.H.S (PROC Cell)  
Nirman Bhawan,  
New Delhi - 110 011

R/o A-232, Laxmi Bai Nagar,  
New Delhi - 110 023

11. Shri Dinesh Kumar Singh  
S/o Shri D.K.Singh  
A.G.M., Kendriya Bhandar,  
PushpVihar,  
New Delhi - 110 062

R/o 24-C, Evershine Apartments  
D-Block, Vikaspuri,  
Delhi - 18

12. Shri P.K.Kanchan  
S/o Shri M.R.Kanchan  
Dy. Director  
Dept. of Economic Affairs,  
New Delhi - 110001

R/o 31-A, Arjun Apartments,  
F-Block, Vikaspuri,  
Delhi - 58

... Applicants

(By Advocate: Shri K.N.R.Pillay)

Versus

1. Union of India-through:  
The Secretary,  
Ministry of Commerce,  
Udyog Bhawan,  
New Delhi.

2. Union of India-through:  
The Secretary,  
Department of Personnel & Training,  
North Block,  
Central Secretariat  
New Delhi

3. Union of India-through:  
The Secretary,  
Ministry of Railways (Railway Board)  
Rail Bhawan,  
New Delhi - 110 001

4. Union Public Service Commission,  
through its Secretary,  
Shahjahan Road,  
New Delhi.
5. The Director General,  
Supplies & Disposals,  
5, Sansad Marg,  
New Delhi - 110 001
6. Shri K.P.Verma,  
Retd. Additional Member, Stores,  
Railway Board  
R/o C-4012, Vasant Kunj,  
New Delhi - 70
7. Shri K. Choudhary  
Dy. Controller of Stores,  
Eastern Railway  
Jamalpur, Munger  
Bihar.
8. Shri Dinesh Chandra  
Dy. Controller of Stores  
South Eastern Railway,  
Calcutta.
9. Shri Yogendra Kumar  
Dy. Controller of Stores,  
Southern Railway  
Perambur  
Chennai
10. Shri K.K. Haldar  
Dy. Controller of Stores,  
N.F.Railway  
Gauhati
11. Shri D.K. Srivastava  
Senior Stores Officer  
Western Railway  
Mumbai

.... Respondents

O R D E R (ORAL)

By Mr. M. P. Singh, Member(A)

The applicants, 12 in number, were recruited  
through U.P.S.C., on the basis of Indian Engineering

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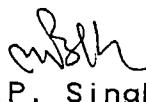
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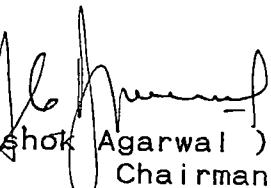
Services Examination and were working in Directorate General of Supplies & Disposals (in short 'DGS&D'). A few years back, the staff strength of the department had been reduced and the officers had been sent on deputation/absorption to various departments. The applicants have alleged that respondents have not sent the officers to Railway Stores Department as per their seniority and have only sent them on the basis of pick and choose.

2. From the papers placed before us, we find that respondents 6 to 11 were sent initially on deputation to Railway Stores Department in 1993 whereas the applicants were sent on deputation to other departments and Ministries. It so happened that those persons who were working in the railways since 1993, were selected for permanent absorption and the Ministry of Railways vide their order dated 13.10.98 found them suitable and also absorbed them in the railway stores department. In the case of applicants, they have gone to other departments on deputation and those departments did not absorb them. The absorption of respondents 6 to 11 having been done in accordance with rules and instructions, the same cannot be challenged on the ground of malafide.

3. In the circumstances, we find that this OA is devoid of merit. It is accordingly dismissed in limine.

  
( M.P. Singh )  
Member(A)

/dkm/

  
( Ashok Agarwal )  
Chairman