

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2612/2001

New Delhi, this the 3rd day of the October 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Shri V.K. Sabharwal  
S/o Late Shri O.P. Sabharwal  
R/o Sector 33/418,  
NPTI Complex,  
Faridabad.

... Applicant

(By Advocate: Shri S.N. Anand)

V E R S U S

1. National Power Training Institute  
through its Director General, NR  
Sector 33, Faridabad.
2. Union of India, Ministry of Energy,  
Government of India, New Delhi  
Through its Secretary,

... Respondents

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

The applicant transferred from Badarpur, New Delhi to Neyveli on 30.4.2001 came up before this Tribunal through OA No.1481/2001 which was ultimately dismissed by order passed on 6.7.2001 (Annexure-C), even though an ad-interim order was passed in the meanwhile. The applicant went to High Court by filing a Writ Petition being CWP No.4752/2001. In the order passed by the High Court on 8.8.2001 (Annexure-E), the Court found no scope to interfere with the aforesaid order passed by the Tribunal. However, as a last resort, having regard to the plea taken by the petitioner (applicant in the present OA) that he wanted the transfer matter to be re-considered on humanitarian grounds, the High Court

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made it possible for the applicant to approach Respondent No.1 once again by observing as follows:-

"Though no fault could be found with impugned Tribunal order but Petitioner was allowed to make a representation to Respondent No.1 within one week from today seeking reconsideration to his transfer on available grounds. Respondent No.1 shall examine his case in that event and pass appropriate taking in regard the pleas taken by Petitioner. Requisite orders are required be passed within two weeks from receipt of Petitioner's representation uninfluenced by anything said or held in impugned CAT order or this order. Petitioner shall be allowed to continue and treated on duty at Delhi till such orders are passed."

2. Accordingly, the applicant filed a detailed representation on 16.8.2001 (Annexure-G) which has been considered by the respondents who have disposed of the same by passing a detailed order on 28.8.2001 (Annexure-A). The same has been impugned by the applicant in the present OA.

3. I have heard the learned counsel and find that the High Court has, by its order dated 8.8.2001, enabled the applicant to have his grievance regarding transfer reconsidered purely on humanitarian grounds. The said grounds, as submitted by the learned counsel, are the presence of aged mother in the family along with two daughters pursuing different courses of studies at Delhi. According to the learned counsel, the daughters in question will complete their courses of studies in 2002. The learned counsel submits, on this basis, that Respondent No.1 should have reconsidered the matter fairly and objectively and should have proceeded to annul the transfer order. I do not agree. By the order

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(3)

dated 28.8.2001 passed by the respondents, I find, they are prepared to make available a family quarter for the continued residence of the family of the applicant to enable the daughters to complete their courses of studies.

4. In my view, the applicant could not ask for more on humanitarian grounds. No other ground can be pleaded at this stage inasmuch as the matter has already been considered by this Tribunal and no fault has been found by the High Court in the order passed by the Tribunal. Hence, I find, no *prima facie* case is made out in this OA. The same is accordingly dismissed in limine. No costs.



(S.A.T. Rizvi)  
MEMBER (A)

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