

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.2340/99

New Delhi, this the 13th day of September, 2000.

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Mr. S.A.T.Rizvi, M (A)

1. All India Association of Investigators, National Sample Survey Organisation (Field Operation Organisation) (Recognised by Govt. of India), through its General Secretary, having its Head Quarter at Atmaram Bhawan, IIIrd Floor, Behind Mahabir Mandir, Main Road, Ranchi, Bihar-834 001.
2. Sunil Kumar S/O Sri M.R.Sharma, Presently working as Investigator, National Sample Survey Organisation (FOD), Pushpa Bhawan, Madangiri Road, New Delhi.

*****Applicants

(By Advocate: Sh. L.R.Rath, proxy counsel for
Sh. S.K.Das)

VERSUS

1. Union of India, through Secretary, Ministry of Planning and Programme Implementation, Deptt. of Statistics, Sardar Patel Bhawan, Sansad Marg.
2. Dy. Director General, National Sample Survey Organisation, Field Operation Division, C-Block, IIIrd Floor, Pushpa Bhawan, Madangir Road, New Delhi-62.
3. Joint Director, Field Operation Division, C-Block, IIIrd Floor, Pushpa Bhawan, Madangir Road, New Delhi-62.

*****Respondents.

(By Advocate: Sh. K.C.D.Gangwani)

O R D E R (ORAL)

By Hon'ble Mr. Justice, V.Rajagopala Reddy, VC (J):

In our earlier order dated 30.8.2000, we have clearly stated that if no rejoinder ~~has been~~ ^{is filed} filed, the case would be taken up for admission today. Today, again learned proxy counsel for the applicants seeks further time to file rejoinder and the request is opposed by the

learned counsel for the respondents. In accordance with our earlier order rejecting the request, we take up the matter for admission.

2. The only grievance of the applicants, who are Asstt. Superintendents in the Ministry of Planning, Deptt. of National Sample Survey Organisation, is that they are not required to discharge the Enterprise Survey work involving door-to-door listing etc. But the representation made by the applicants has been thoroughly considered by the respondents in the impugned proceedings dated 8.3.96 (Annexure A-1). Rejecting the representation, it was stated in the above proceedings that the applicants might contact the Director, FOD for further clarification on this matter. It is not possible for us to give any relief evaluating the exact nature of duties and responsibilities of the applicants. As the respondents have already considered the representation filed by the applicants, we cannot hold, in the exercise of judicial review that the orders passed by the respondents are wholly arbitrary or illegal. In the exigencies of services, it may be necessary for the employees to perform various related functions which may have been entrusted to them ^{or} ~~the applicants~~. Unless and until the applicants were not asked to discharge fundamentally different character of duties, the applicants cannot make any grievance of violation of the conditions of service, which is not the case of the applicants. We do not, therefore, find any good ground in this OA for admission.

(3)

3. The OA is accordingly dismissed at the admission stage itself. No costs.

Dr
(S.A.T.Rizvi)
Member (A)

/sunil/

V.Rajagopala Reddy
(V.Rajagopala Reddy)
V.C. (J)