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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1070/98

New Delhi: this the /6th day of October, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

R.K. Sharma, IPS (AGMU-77),
S/o Late Shri Ram Sarup,
R/o 33/28, Rajpur Road,
Delhi. Applicant.

(By Advocate: Shri Anurag Sain).

Versus

1. State (NCT OF DELHI)
through its Chief Secretary,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-054.
2. Union of India
through its Secretary,
Ministry of Home Affairs,
New Delhi. Respondents.

(By Advocate: Shri KCD Gangwani for UOI ,
Shri Arun Bhardwaj for NCTD).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant seeks a direction to respondents to give him a posting as well as pay and allowances including arrears w.e.f. 10.3.97 i.e. the date of joining Govt. of NCT of Delhi.

2. I have heard applicant's counsel Shri A. Sain and respondents' counsel S/ Shri Gangwani and Bhardwaj.

3. It is not denied that after filing of this OA, Govt. of NCT of Delhi have issued order dated 3.7.98 a copy of which is taken on record adjusting applicant against the vacant post of Addl. CP, Hq. (II) for the purpose of drawal of his pay with immediate effect. Counsel for NCT of Delhi Shri Bhardwaj was

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unable to state clearly why applicant has been adjusted against the post of Addl. C P, Hq (II) only for the purpose of drawal of his pay, he being a senior IPS (AGMU) Cadre officer (1977 batch), Govt. of NCT of Delhi who are Respondent No. 1 in this OA have also not cared to file any reply. Nothing has been shown to me to suggest that applicant is under any cloud.

4. While it is no doubt true that transfers and postings of Govt. personnel are normally not to be interfered with unless the same is found to be violative of statutory rules, or is tainted with malafides, it is equally true that every Govt. decision has to stand the test of reasonableness. In the present case no reasons have been given on to why applicant was kept without a post from 10.3.97 till 3.7.98 and then has been adjusted by Govt. of NCT of Delhi against the post of Addl. C P, Hq (II) only for the purpose of drawal of his pay (emphasis supplied) and not for the discharge of public duties attached to the post, because clearly such an arrangement does not constitute proper use of public funds.

5. Accordingly this OA is disposed of with a direction to Respondent No. 1 to give applicant an appropriate posting commensurate with his seniority and status with a view to his discharging the duties and responsibilities attached to that post, within one month from the date of receipt of a copy of this order. No costs.

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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