

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1575/98

New Delhi this the 27 Day of August 1998

Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Kuldip Kumar,
Son of Shri Pishori Lal
Working as Draftsman/Gr. II
Director of Survey (AIR),
No. 66 (ACCM) Party,
New Delhi - 110 66.

Resident of
12/167 Dev Nagar,
Double Storey Qtr.,
Karol Bagh, New Delhi

(By Advocate: Shri K.L. Bhandukla)

-Versus-

1. Secretary to the Govt. of India,
Department of Science & Technology
Ministry of Science & Technology
Technology Bhawan
New Mahrauli Road, New Delhi
2. The Surveyor General,
Surveyor of India, Govt. of India,
Post Box No. 37,
Dehra Dun 248 001.
3. The Director Survey (AIR),
West Block-IV, R.K. Puram,
New Delhi-10 066.
4. Secretary to the Govt. of India,
Department of Personnel & Training,
North Block, New Delhi.

ORDER

*15/7/98
23/7/98*
The applicant is aggrieved by the decision of the respondents conveyed by the letter dated 13.7.1998, Annexure I, rejecting his representation against transfer/posting on regular promotion.

2. The facts of the case, in brief, are that the applicant who was Draftsman Grade II at SAN, Delhi was promoted as Draftsman Division-I vide Respondent No. 2 order dated 3.6.1998 and posted to NWC, Chandigarh. The

Order carried a stipulation that persons who refuse the offer of promotion will be debarred for a period of one year for being again considered for promotion and they will lose their seniority vis-a-vis their juniors promoted to the higher grade earlier. The applicant submits that in August 1996 also he was approved for promotion and transferred to SCC Bhuvaneshwar. As the applicant refused promotion, he suffered in seniority. This refusal had been made in the expectation that on the next occasion he will be adjusted in Delhi while being promoted. He, however, submits that four persons senior to him have been adjusted in Delhi itself but although one more vacancy is available and he is the next person in seniority, he is still being posted outside Delhi. It is on this ground that he has sought a direction to the respondents to retain him on promotion at Delhi itself.

3. I have heard Shri K.L. Bhandula on admission. Neither the fact that the applicant in 1996 refused promotion nor the availability of a vacancy in Delhi justifies an intervention by the Tribunal. The applicant admits that he has been in Delhi for a long period. There is no claim that he holds a non-transferable post nor is there any suggestion that any person junior to him has been retained in Delhi. Transfer from one place to another is generally a condition of service and the employee has no choice in the matter. All that he is to do is to make a representation. This the applicant has already done and his representation has already been considered and rejected. No rule or guideline has been cited to show that the impugned transfer contravenes the same.

The applicant if he has overriding personal consideration, a choice to continue in his present posting but he has then to forego his promotion with consequent ~~adverse~~ effect on his seniority.

4. In these circumstances, I find that the applicant has no case whatsoever. The O.A. is, therefore summarily dismissed at the admission stage itself.

R. K. Ahuja
(R.K. Ahuja)
Member (A)

Mittal