

Central Administrative Tribunal
Principal Bench

O.A.No.1595/98

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

New Delhi, this the 18th day of September, 1998

Smt. Usha Jain
w/o Shri P.C.Jain
r/o 3704 - Street Mamon
Pahari Dhiraj
Delhi - 110 006.
(By Ms.Madhu Tewatia, Advocate)

Applicant

Vs.

1. Indian Agricultural Statistics
Research Institute
through Director
Indian Agricultural Statistics
Research Institute
Library Avenue
New Delhi - 110 012.
2. Chief Administrative Officer
Indian Agricultural Statistics
Research Institute
Statistics Research Institute.
3. Smt. Sudershan - Receptionist
Indian Agricultural Statistics
Research Institute.
4. Union of India through
Secretary
Ministry of Agriculture
Shastri Bhawan
Delhi.
(By Ms. Gitanjali Goyal, proxy of Shri V.K.Rao, Advocate)

Respondents

O R D E R (Oral)

The applicant submits that she had been working as Telephone Operator with the respondents since 8.2.1965. She is aggrieved by the impugned order, Annexure-P1 dated 27.7.1998 whereby her services being no longer required in Telephone Exchange of I.A.S.R.I., she has been transferred to the Cash Section. The applicant challenges that order and submits that there is no post of Telephone Operator in the Cash Section; that she has been performing duties of Telephone Operator ever since 1965, firstly in the Ministry of Education and later since 1967 with the respondents; and that though the

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respondents have declared that there is no need for post of Telephone Operator, they have directed Respondent No.3 to work as such.

2. The respondents in their reply state that there are two posts of Telephone Operators and one post of Telephone Operator-cum-Receptionist in the Respondent Institute. However the Telephone Exchange has not been working since 4.5.1998. The applicant has therefore been transferred to Cash Section as prior to joining the Respondent Institute she had some experience of performing administrative duties as Telephone Operator-cum-Clerk in the Ministry of Education. Hence the impugned order. They further submit that this is an administrative action keeping in view the exigencies of the situation.

3. I have heard the counsel on both sides. The learned counsel for the applicant has pointed out that the respondents have, in respect of other two persons working in the Telephone Exchange, issued orders of transfer to other Sections but only till further orders; the intention being that once the Telephone Exchange is restored, these persons will be posted back to work as Telephone Operators. The learned counsel submits that the same option should have been given to the applicant more particularly when she happened to be the second senior most working as Telephone Operator.

4. I have perused the office order dated 14.9.1998. In respect of the other two persons, namely, Smt. Subhershani Chaddha and Smt. Harbans Kaur who have been transferred to Maintenance Section and Admn.III Section


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respectively vide Office Order No.9(9)/86-Admn.II, dated 14.9.1998; there is no mention that their services in Telephone Exchange are no longer required. In view of this, the fear of the applicant that she will not be posted back to Telephone Exchange would appear to be well founded.

5. The learned proxy counsel for the respondents, on taking instructions from the Departmental Representative who is present in Court, submits that similar orders can be issued to the applicant though as she is not the senior most but is junior to Smt. Harbans Kaur. Such orders in her name will be subject to her seniority and the Rules. In view of this fair concession on the part of the respondents, I consider it proper to dispose of this OA with the following directions:

- a) Respondents are directed to modify their order dated 27.7.1998 so that it is brought in line with similar orders issued in respect of the other officials working as Telephone Operators along with the applicant.
- b) As and when the Telephone Exchange is restored and there is a need for Telephone Operators the applicant will be considered for being posted back as telephone operator subject to her seniority.

The OA is disposed of as above. No costs.


(R.K. Ahooja)
Member (A)

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