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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2065/98

New Delhi, this the 27th day of November, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

K R. Naidu
S/o Sh. K.K. Naidu
R/o 5E, Mayur Vihar,
Phase-II,
Delhi-96.
(By Advocate: Sh. Sanjay Aggarwal)

Vs.

1. Union of India, through
The Secretary to the Government of India,
Ministry of Planning and Programme Implementation,
Department of Statistics,
Sardar Patel Bhawan,
New Delhi-110001.
2. Sh. R. Ravi
Under Secretary to the Government of India,
Ministry of Planning and Programme Implementation,
Department of Statistics,
Sardar Patel Bhawan,
New Delhi-110001.
3. Joint Director,
Planning and Statistics,
Planning Department,
Govt. of N.C.T. of Delhi.
(By Advocate: Sh. S.M. Arif)

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

1. Heard counsel for both the parties.

2. In the reply, the respondents have stated that after considering the position of vacancies in the respondents department the Ministry of Planning and Programme Implementation, Department of Statistics has found it inexpedient to relieve the applicant even though the applicant has been selected by the U.P.S.C. for the post of Assistant Director in the Ministry of Planning and

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Statistics, Govt. of N.C.T. of Delhi. The learned counsel for the applicant cites before us the judgment of the Coordinate Bench of this Tribunal on identical facts. A copy of the judgment is annexed to the OA. The judgment dated 9.9.98 was passed in OA-1587/98 and it was held that the case of an employee should not normally depend upon whims and fancies of the department concerned. In that case as well the applicant had been offered appointment affected as Senior Economic Investigator in the Ministry of Industry but the department where he was already working was not releasing him to join his new place of posting. In that case as well the plea taken by the respondents was that there were a large number of vacancies in the department and it was not expedient to relieve the applicant in that OA. While allowing the OA the Bench of the Tribunal directed the respondents in that OA to release the applicant in the OA so as to enable him to join the higher post of Senior Economic Investigator in the Ministry of Industry.

2. In the instant case it is not disputed that while applying for the post of Assistant Director in Govt. of N.C.T. of Delhi the applicant had sought permission from the respondents whereafter he appeared for interview and was selected by the U.P.S.C. The applicant got the offer of appointment in the month of July 1998 but has not been relieved by the department of Central Government where he is working as Senior Investigator. We find no justification on the part of the aforesaid department in refusing to release the applicant for joining the new post.

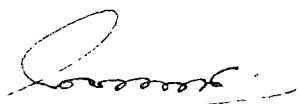
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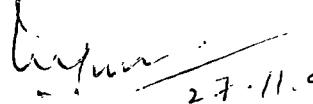
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4. For the foregoing reasons, and in line with the judgment of the Tribunal in OA 1587/98, we allow this OA and direct Resp. No. 1 & 2 herein to release the applicant forthwith, in any case not later than 2 weeks after the receipt of the copy of this judgment, to enable the applicant to join the post of Assistant Director in the Department of Planning and Statistics, Government of N.C.T. of Delhi. Till then Resp. No. 3 shall keep the offer of appointment open and not cancel the same.

5. With this order the OA is disposed of, leaving the parties to bear their own costs.


(S.P. BISWAS)

Member (A)


(T.N. BHAT)
Member (J)

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