

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2529/1998

New Delhi, this 29th day of January, 1999

Hon'ble Shri S.P. Biswas, Member(A)

Shri Kuldeep Singh
N-322, Andrews Ganj, New Delhi .. Applicant
(By Advocate Shri H.C. Sharma)

versus

Secretary
Ministry of Non-Conventional Energy Sources
CGO Complex
Lodi Road, New Delhi .. Respondents

ORDER

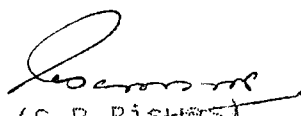
1. The applicant was engaged initially on daily rate basis in the Solar Energy Centre and was granted temporary status w.e.f. 1.9.93 alongwith 8 other casual workers pursuant to the grant of temporary status/regularisation scheme-1993 issued by the Government of India. The applicant, who is also a SC candidate, is aggrieved by the order dated 16.12.98 by which he stands transferred from CGO Complex, Lodi Road, New Delhi to Gwal-Pahari, Gurgaon. He considers this transfer is punitive one since he is not holding a civil post and the said transfer is camouflage for punitive action.

2. Respondents have submitted that the entire staff of Solar Energy Centre is an R&D Unit under the Ministry of Non-Conventional Energy Sources and the said Unit has now been transferred to the Workshop site at Gwal-Pahari barring only a nucleus staff of Head Office at Delhi. It has a separate Head of Department who has been delegated all administrative and financial powers in terms of provisions of Rule 13(2) and 13(3) of Delegation of Financial Power Rules, 1978. It has also

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been stated that in accordance with the service conditions of the applicant, casual labours conferred with temporary status are liable to be posted and transferred anywhere in the territorial circuit of the organisation. I find that the Scheme dated 16.9.93 stipulates that casual labours, after conferment of temporary status, could be deployed anywhere within the recruitment unit/territorial circuit on the basis of availability of work. Respondents would submit that since the bulk of the work of the organisation stands transferred to a different unit at Gwal-Pahari, the said casual labours had to be transferred as such. Learned counsel for the applicant argued that there are no rules and regulations which could permit issuance of transfer order for such employees. He, however, could not produce any copy of the said rules/regulations.

3. Under these circumstances, I do not consider it to be a fit case warranting our interference in the matter. The OA is dismissed accordingly. No costs.


(S.P. Biswas)
Member (A)

/gtv/