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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1304/95

New Delhi, this the 17th day of August, 1995

Hon'ble Shri J.P. Sharma, Member (J)

Shri S.K. Das,
Joint Director,
Central Statistical Organisation,
Department of Statistics,
Patel Bhawan, New Delhi,
R/o D-617, Chittaranjan Park,
New Delhi.

... Applicant

By Advocate: Shri P.R. Madhavan,

Vs.

1. Union of India,
through the Secretary,
Department of Statistics,
Ministry of Planning &
Programme Implementation,
Sardar Patel Bhawan, New Delhi.

2. The Director General,
Central Statistical Organisation,
Department of Statistics,
Sardar Patel Bhawan,
New Delhi.

... Respondents

By Advocate: Shri K.D. Gangwani

ORDER (ORAL)

The applicant is a Junior Administrative
Grade officer of ISS and while working as Joint
Director in Training Division of CSO, New Delhi, by
the order dated 30.6.95, impugned in this O.A.,
transferred to Data Processing Centre, DPD, NSSO,
Giridih with immediate effect against the existing
vacancy in JAG. The applicant has also made a

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representation in which he pointed out certain facts alleging that the impugned order was got passed by extraneous consideration due to family disputes as one of his own brother is not having cordial relations with the family of the applicant. He has also pointed out that during his stay on the said post he has been discharging quite satisfactorily to the entire satisfaction of his superiors the duties of the post and also looking after other assignment of 3 posts. This transfer order therefore was desired to be looked by the administration and that if he is at fault, he may be proceeded departmentally and even he is not afraid of any departmental enquiry as there has been conspiracy in the complaint alleged to have been made against the applicant by several persons. This representation filed by the applicant on 10.7.95 has not been replied to by the respondents. The applicant, therefore, waiting for sometime filed this application on 25.7.95 praying for the grant of the reliefs inter alia, that the impugned order of transfer be quashed, as arbitrary, malafide and be allowed to continue for a reasonable period. When the matter came before the Single Bench on 26.7.95, the then Presiding

Officer granted an interim order that the respondents are restrained from taking any action on the impugned order of transfer dated 30.6.95 and that order continues till today. The respondents filed a short reply opposing the grant of the relief prayed for and stated that the said order of transfer is in the exigency of service and is not motivated by any complaint received against the applicant. There was a vacancy existing for a number of years of JAG in ISS in the Giridih office and as such the applicant has been transferred to that post without any sufferance of emoluments which the applicant has been getting at the place of posting. The applicant has also filed a rejoinder highlighting certain more facts that the post at Giridih has been lying vacant since last so many years and in fact the post must have lapsed and that the work on that post was not so important for the Division. He has further highlighted the fact that anonymous complaint levelling bald but serious allegations of misconduct against him is the result of a conspiracy between his brothers' family and their friends which has already been referred to in the O.M. in paras 4.02 to 4.07. Alongwith the rejoinder, the applicant has also filed an order dated 29.3.93

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which is in fact promotion to JAG of ISS and the contention of the applicant's counsel is that any of the 66 officers on promotion could have been posted to that place, nobody can refuse the posting unless he chooses to forgo the promotion.

I have heard the learned counsel for the parties for sometimes. At this stage, the learned counsel for the applicant wants to withdraw this application and that he will pursue the representation still remained undisposed of as stated by the learned counsel for respondents Shri KOD Gangwani.

The applicant has pointed out certain relevant facts in the representation also that his own brother's family is not pulling well with him, so the respondents may consider the representation sympathetically also realising the fact that in the mid of the session, the education of the wards may be disturbed and that the family gets separated.
With these observations, the application is withdrawn.
The stay order dated 26.7.95 shall cease after one week from today.

J. P. Sharma
(J. P. SHARMA)
MEMBER(J)

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