

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1298/96

New Delhi this the 25th day of June 1996.

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

R.C.Chatrath
Dy. Director (Mech.)
Small Industries Service Institute
Hospital Road, Agartala (Tripura)
Ex.Dy.Dte (ME)
Office of the Development Commissioner
7th Floor, Nirman Bhavan,
New Delhi - 110 011.
(In person)

...Applicant.

B-90, Amar Colony, Lajpat Nagar-IV.

Versus

1. Secretary
Small Scale Agricultural and Rural Industries
Udyog Bhavan
New Delhi-110 011.

2. Additional Secretary &
Development Commissioner
Small Scale Industries, 7th floor
Nirman Bhavan
New Delhi-110 011.

...Respondents.

ORDER (Oral)

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

The applicant has filed this application against his transfer order dated 29th August 1995 and the relieving order dated 29th August 1996 passed by the Development Commissioner, Small Scale Industries, New Delhi. The applicant says that he was forced to join S.I.S.I., Agartala in pursuance of the impugned orders in the middle of the academic session on 22.1.96. He submits that he has made representation that his transfer may be changed or deferred since suitable vacancy was available in the HQs. His representation was kept pending for a long period of 145 days and his request was not acceded to as he had filed OA No. 1704/95 before the Tribunal against his transfer orders. The applicant states that the said OA was disposed of with directions to the respondents to consider the representation of the applicant after receiving the details from the applicant regarding medical grounds on which his retention was sought for.

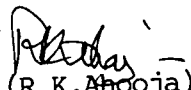
2. The respondents in pursuance of the directions of the Tribunal considered the representation and passed an order dated 2.1.96 rejecting the same on the ground that the expert medical opinion of the medical board after detailed clinical evaluation did not reveal any illness of the applicant. The applicant alleges that he has rendered a very efficient service in Delhi which has led to a sizeable savings of government revenue and though in a similar case of one Mr M.K.Bhatt, his representation was considered favourably on account of Bhatt's personal difficulty, his case was not considered and the same was rejected by aforesaid order dated 2.1.96. The applicant also states that there is no transfer policy in the department and on this count, the Director in charge of Administration grants undue favours to certain officers and many officers have been protected for reasons of personal gain of the officers in the Administration Branch. On the other hand, because the applicant resisted to grant licences to certain units, this attempt was made to transfer him out of Delhi.

3. I have heard the applicant. He states that in pursuance of the transfer order, he joined the S.I.S.I, Agartala on 22.1.96. He is not being allowed to work under the control of Director in charge of S.I.S.I. Agartala, nor is he being given proper facilities to continue there. He, therefore, seeks that he may be transferred back to Delhi as early as possible in the public interest, that he may be paid proper salary, transfer TA and leave benefits and other facilities entitled as per the North-East posting for the Senior Class-I officer, that proper transfer policy may be evolved by the Department, that an enquiry may be conducted and punishment awarded to the guilty personnel etc.

4. I have carefully considered the application and arguments of the applicant and find that the case deserves to be dismissed. The officer was transferred in August 1995 and thereafter he filed an application before the Tribunal which was disposed of with direction

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to the respondents to consider his representation on medical grounds and take a decision thereon, which was done by the respondents vide their order dated 2.1.96. The applicant states that he joined S.I.S.I., Agartala in pursuance of the decision in the month of January 1996 itself. He alleges that his transfer was made because certain malpractices were going on and certain people were given favours while certain others discriminated against, and therefore, he asks for an enquiry to be conducted in the matter. He has also sought that he should be transferred back to Delhi in public interest. Neither the question of holding enquiry into the alleged malpractices comes within the purview of this Tribunal nor is it necessary for the Tribunal to judge whether public interest demands the applicant be transferred back to Delhi. What has to be seen is whether proper procedure has been followed and whether any discrimination has happened in his case. Since his representation was rejected after consideration by the appropriate medical board, the result of which he has not questioned, and he has also joined the S.I.S.I. at Agartala in pursuance of the orders, it is for the respondents to see whether public interest demands that he should be retained in Agartala or should be posted in Delhi. In the circumstances, the application being devoid of any merits is dismissed under Section 19 (3) of the Administrative Tribunals Act, 1985.


(R.K. Anooja)
Member (A)