

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...  
OA.No.1408 of 1996.

Dated New Delhi, this 19th day of July, 1996.

HON'BLE MR A. V. HARIDASAN, VICE CHAIRMAN(J)  
HON'BLE MR K. MUTHUKUMAR, MEMBER(A)

P. M. Ansari  
S/o Late Sheikh Saddiq  
D-1, Delhi Administration Flats  
Timarpur  
DELHI.

... Applicant

By Advocate: Shri Jog Singh

versus

1. Lt. Governor of Delhi  
Government of NCT of Delhi  
Raj Niwas  
DELHI.

2. The Chief Secretary  
Government of NCT of Delhi  
5 Sham Nath Marg  
DELHI.

3. The Secretary (Environment)  
Government of NCT of Delhi  
5/9 Under Hill Road  
DELHI-110 032.

4. Central Pollution Control Board  
through its Member Secretary  
Parivesh Bhawan  
East Arjun Nagar  
DELHI-110 032.

... Respondents

By Advocate: Shri Iswar Singh  
(appearing for Respondent No.4)

O R D E R (Oral)

Hon'ble Mr A.V. Haridasan, VC(A)

This is the second round of litigation between the applicant and Respondent Nos.1, 2 & 3. At first, the applicant filed OA.No.473/96 when he was repatriated to the parent office, i.e the office of the fourth respondent. The application

was allowed in part finding that the repatriation without giving a reasonable notice, was not proper.

After receipt of a copy of the judgement, third respondent has issued an order giving the applicant notice that he would stand relieved of his duties w.e.f. 1.7.1996. This order was issued on 6.6.1996. The applicant has filed this application impleading the fourth respondent also. The applicant has reiterated almost what he had pleaded in his earlier application. However, the applicant has raised an additional ground that the impugned order does not give a reasonable notice, and, therefore, the repatriation in the midst of the academic session is justified. He has also stated that as sufficient notice has not been given to his parent department, it would not be feasible for the fourth respondent to accommodate him on his post. When the application came up for hearing, the only point which this Bench wanted to have clarified was whether there would be any difficulty for the fourth respondent to accommodate the applicant and whether the applicant would be without a berth in his parent department if he is repatriated and, therefore, we issued notice to the fourth respondent. On receipt of the notice, Shri Ishwar Singh, the learned counsel for the fourth

respondent appeared and reply has been filed on behalf of the fourth respondent. It is contended by the fourth respondent that the repatriation of the applicant without sufficient notice has resulted in administrative problems inasmuch as it would be difficult for accommodating the applicant on the post of Senior Environmental Engineer (SEE).

It has further been contended that the Director of Environment of Delhi Administration is also the Member Secretary of the Delhi Pollution Control Committee and that as no regular officer on the post of Director of Environment has been appointed on the post of the applicant, it would be difficult for the Board to function without a Member Secretary.

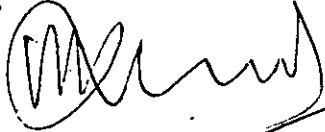
2. We have heard Shri Jog Singh, the learned counsel for the applicant and Shri Ishwar Singh, the learned counsel for the fourth respondent.. OA.473/96 was allowed by us as the third respondent had not given a reasonable notice either to the applicant or to his lending department, i.e. the fourth respondent and that such an abrupt repatriation without a reasonable notice was likely to cause administrative difficulties for the fourth respondent and would cause inconvenience for the

applicant. Now, by the impugned order dated 6.6.1996, both the applicant and the fourth respondent had been put on notice that the applicant would stand relieved from the office of third respondent on 1.7.1996. The learned counsel for the fourth respondent states that this order was received by the fourth respondent only on 10.6.1996. Be that as it may, even then the fourth respondent had twenty days' time to find out a berth for the applicant. This according to us is reasonable time and, therefore, the fourth respondent cannot say that it would be difficult to accommodate the applicant. The learned counsel for the fourth respondent states that when the applicant was sent on deputation, a person had been given ad hoc promotion as Senior Environmental Engineer and he is working on the post on which the applicant holds a lien and the repatriation of the applicant certainly would cause prejudice to a person who is already working on ad hoc basis, we do not find any merit in this argument. The ad hoc promotion would be tenable so long as the requirement exists. Now that the applicant has been repatriated to join his parent department the ad hoc appointee may have to be reverted. That may be inevitable.

3. In the light of what has been stated above, we do not find any reason to interfere with the impugned order. While disposing of the application, we direct that on relief from the office of the third respondent, the applicant may report to the fourth respondent who will immediately take him back on his post of Senior Environmental Engineer. If for any reason, there is any delay in allowing the applicant to join his post, the intervening period shall be treated as period of waiting for posting and that should not stand in the way of the applicant getting his pay and allowances in time..

There is no order as to costs.

  
(K. Muthukumar)  
Member(A)

  
(A. V. Haridasan)  
Vice Chairman(J)

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