

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.NO.184/96

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 4th day of March, 1996

Shri Chander Bhan  
s/o Shri Jage Ram  
working as Junior Technical Assistant  
Central Road Research Institute  
New Delhi.  
R/o H.No.22, Adarsh Nagar, Sonapat.

.. Applicant

(By Shri J.C.Madan, Advocate)

Versus

1. Director General  
Council of Scientific & Industrial Research  
(C.S.I.R.)  
Rafi Marg, New Delhi - 1.

2. Director  
Central Road Research Institute  
Mathura Road  
New Delhi - 110 020.

3. Dr. S.M.Sareen  
C.S.E.R.T.S.Division  
Central Road Research Institute  
Mathura Road  
New Delhi - 110 020.

... Respondents

(By Shri R.K.Sharma, Departmental Representative)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The grievance of the applicant, Shri Chander Bhan, Junior Technical Assistant, ERTS Division is that he has been arbitrarily transferred to Main Stores with immediate effect till 31.3.1996 on 'Trial' basis to the post which does not ~~fall~~ <sup>found</sup> within the Technical Cadre to which he belongs. He has therefore, assailed the above order and prayed that the impugned order may be quashed and set-aside and a direction may be granted to allow the applicant to continue to his own cadre with his existing duties and functions.

2. Dasti notices have been served on 15.2.1996, the Departmental Representative appeared and sought some time to file a reply. As the impugned order was to be tenable upto 31.3.1996 and as the application itself would become infructuous, thereafter the respondents were directed to file reply within ten days and case to be listed for hearing today. Even today, though Shri RK. Sharma, Controller of Accounts, Departmental Representative is present, No reply has been filed but he produced a copy of a letter dated 1.3.1996 issued to the Controller of Administration, Central Road Research Institute, New Delhi from Legal Advisor, CSIR, New Delhi wherein it is submitted that on reconsideration of the issue, a decision has been taken to transfer the applicant from Main Stores to some other position in CRRRI. On a question whether the post to which the applicant was transferred on a trial basis was a post in the Technical Cadre, Shri R.K.Sharma stated that it is not. Therefore, the transfer of the applicant out of his cadre, without his consent and not for any <sup>justifiable</sup> reason cannot be sustained.

3. In the result the application is finally disposed off setting-aside the impugned order of transfer and directing the respondents to allow the applicant to continue in his post as if the impugned order did not take effect. We made it clear that the order will not preclude the respondents from transferring the applicant if need arises to any other post in the cadre in accordance with law. No order as to costs.

*R.K. Sharma*  
(R.K. AHODJA)  
MEMBER (A)

*A.V. Haridasan*  
(A.V. HARIDASAN)  
VICE-CHAIRMAN (J)