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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2319/1997

in

M.A. No. 2406/1997

Masul

New Delhi this the 6th Day of Feb 1998

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri P.K. Kaimal,
Grade II Stenographer,
O/o Controller of Accounts,
Ministry of Personnel,
Public Grievance & Pension,
Lok Nayak Bhawan, New Delhi.

Petitioner

(By Advocate: Shri M.P. Raju)

-Versus-

1. Union Government of India,
through Controller General of Accounts,
Ministry of Finance,
Department of Expenditure,
Lok Nayak Bhawan,
Khan Market, New Delhi.
2. Controller of Accounts,
Ministry of P PG & P,
Room No. 349,
B-Wing III Floors,
Lok Nayak Bhawan,
Khan Market, New Delhi.
3. Smt. Rupinder Nayar,
Controller of Accounts,
Ministry of P PG & P,
B Wing III Floors,
Lok Nayak Bhawan,
Khan Market, New Delhi.
4. Smt. Renu Khanna,
Grade II Stenographer,
Office of the Controller of Accounts,
Ministry of P PG & P,
B Wing III Floors,
Lok Nayak Bhawan,
Khan Market, New Delhi.

Respondents

(By Sr. Advocate: Shri P.H. Ramchandani)

ORDER

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

Here is a strange petition wherein the petitioner is defending a valid order of transfer and posting, issued at the instance of the respondents and seeking a declaration



that the said order of transfer and posting is in accordance of law and the petitioner has also sought relief from this court to restrain the respondents from revoking and altering the orders passed in public interest.

2. It was stated by the petitioner that an order dated 15.9.1997 was passed by the respondents by which the applicant was posted to the Office of the Controller of Accounts, Ministry of PPG & Pension, New Delhi. Subsequently, by an order dated 19.9.1997, the applicant has been relieved of his duties of the Organisation from which he was transferred. Thereafter, on 22.9.1997 the applicant is shown to have joined the office to which he was transferred. It is further stated that the post of the applicant being a transferable one and since he has complied with the transfer order of the respondents, he further apprehended that he would not be allowed to assume the duties of the transferred post.

3. In the circumstances notices were issued to the respondents who has filed the reply as per our order dated 15.10.1997 by which Shri Om Prakash, Sr. Accounts Officer and Shri Ram Babu, Assistant Controller General of Accounts were given a notice to explain the circumstances in which they had passed two orders seemingly to over reach the interim order we had passed earlier, by a duly sworn affidavit. The respondents had in pursuance of the said notices had filed the said affidavit and in the mean time, the Senior Counsel for

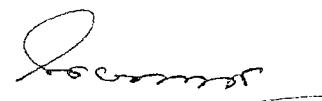
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the respondents Shri P.H. Ramchandani was kind enough to suggest to the Court that the matter is being sorted out by finding additional slots in the same place for accommodating various claimants. It was stated by the counsel that another lady employee who had certain personal difficulties in going away from the present premises in case she is replaced by the present applicant, had moved a representation and the respondents were also to consider the said representation on a humanitarian consideration. In the mean time, the petitioner had filed the rejoinder and certain allegations had come through the said rejoinder to which the counsel for the respondents made some objection and the petitioner had unconditionally withdrawn the said allegation in view of the fact that the Sr. Counsel Mr. Ramchandani had suggested that he would look into the matter and find an amicable solution. When the matter came up on 19.12.1997 the counsel for respondents produced before us an order dated 16.12.1997 indicating therein that additional vacancies were available in the same premises both for the petitioner as well as for the lady employee whose representation was also under consideration on humanitarian grounds. We must appreciate the efforts done by the Sr. Counsel Mr. Ramchandani in finding out a solution to the entire dispute. / In the circumstances parties have agreed ~~agreed~~ to dispose of this O.A with the direction that the petitioner may be retained in the position that he is originally transferred to and the lady employee may be adjusted to the additional available post now identified by the respondents, and that being in the same premises,

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her representation for not shifting from the premises on the ground that her place of residence is close to the said place of work, is also stand satisfied.

4. In the circumstances no further order is required and this OA is disposed of in the above terms and no order as to costs.


(S.P. Biswas)

Member(A)


(Dr. Jose M. Verghese)
Vice Chairman (J)

Mittal