

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 763/94

New Delhi this the 19th day of April, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (J)

H.M. Singhal,
S/o late Sh. B.R. Singhal,
R/o C-303, Brij Vihar,
P.O. Chander Nagar
Distt. Ghaziabad
Uttar Pradesh,
Pin 201011.

...Applicant

(By Advocate Shri Nirupendra Pande)

Versus

1. Union of India through
Secretary, Cabinet
Secretariat, South Block,
New Delhi.
2. The Director, SSB
SSB Directorate
East Block No.V
R.K. Puram,
New Delhi-110066.
3. Smt. Ramesh Kumari
U.D.C., Recruitment Cell
C/o Office of the Director, SSB
East Block No.V
R.K. Puram,
New Delhi.
4. R.S. Juyal
U.D.C., Recruitment Cell
C/o Office of the Director, SSB
East Block No.V
R.K. Puram,
New Delhi.
5. Smt. Sunita Sahani,
U.D.C., P-2 Branch,
C/o Office of the Director, SSB
East Block No.V
R.K. Puram,
New Delhi.
6. J.P. Sharma,
U.D.C. 'F' Branch,
C/o Office of the Director, SSB
East Blcok No.V
R.K. Puram,
New Delhi.

...Respondents

ORDER(Oral)

Mr. N.V. Krishnan:

The grievance of the applicant is that he has been discriminated against in the matter of transfer on promotion. By the Annexure A-1 order

dated 3.5.93, 22 L.D.Cs, including the applicant, were promoted as U.D.Cs and most of them have been transferred from the unit they were working as L.D.Cs. The applicant was transferred to J & K Division. As it was not possible for him, due to personal reasons, to accept the promotion coupled with transfer, he was not willing to proceed and take over charge at the place where he was transferred.

2. The second respondent's office issued Annexure A-5 memorandum advertizing to the Annexure A-1 order stating that 12 persons have joined their place of posting on transfer on promotion. It informed the authority concerned that if any LDC is not willing to join the post, he may be asked to submit a written undertaking in the prescribed proforma for forgoing promotion order. Accordingly, the applicant availed of this opportunity and gave his consent for forgoing promotion by the letter dated 6.8.93 (Annexure A-6). Accordingly, he continued to remain at Delhi as L.D.C. The applicant is aggrieved by the fact that respondents 3-5, who are also promoted along with him by the Annexure A-1 order and who are posted to units in Rajasthan and J & K, did not join their place of posting and made representations that they may be retained at Delhi. Though the representations were initially rejected, these respondents were finally allocated to Delhi itself by the impugned Annexure A-12 order. The respondents 6 and 7 are subsequent promotees who have also been given similar benefits. It is in these circumstances that the applicant claims that he has been discriminated against and has prayed that the impugned order giving the benefit to respondents 3-7 by posting them back to Delhi

be quashed and the second respondent be directed to consider afresh the posting in Delhi and also direct the respondents to consider the case of applicant for posting at Delhi.

3. We have heard the learned counsel. We are of the view that no question of discrimination arises. The applicant volunteered to give an undertaking in pursuance of the Annexure A-5 memorandum stating that he was willing to forgo his promotion as he wanted to remain in Delhi. The other respondents did not do so but continued to make representations which ultimately were accepted. Therefore, the applicant cannot complain that he has been discriminated against. In the circumstances, we find that this O.A. is devoid of merit and is accordingly dismissed. We, however, make it clear that this order will not stand in the way of the applicant from making any representation that he might like to the respondents to reconsider his case for posting in Delhi.

B.S. Hegde
(B.S. Hegde)
Member(J)

N.V. Krishnan
19.4.84
(N.V. Krishnan)
Vice-Chairman

Sanju.