

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.1624/94

NEW DELHI THIS THE 26<sup>th</sup> DAY OF AUGUST, 1994.

**MR. JUSTICE S.K.DHAON, ACTING CHAIRMAN**  
**MR. B.N.DHOUNDIYAL, MEMBER(A)**

1. Shri Ishwar Singh  
S/o Sh.Ram Singh  
R/o K-62 Roshan Pura Extn.  
Najafgarh, Delhi
  2. Sh.V.K.Bansal  
S/o Sh.Ram Saran Dass  
R/o House No.11, Sarojni Nagar,  
Shastri Nagar, New Delhi.
  3. Sh.J.S.Kadiyan,  
S/o Sh.Rati Ram  
R/o 84 Paschimi Enclave  
Delhi.
  4. Sh.R.K.Jain  
S/o Sh.M.K.Jain  
R/o SU-190, Pitam Pura  
Delhi.
  5. Sh.Shanker Dev  
S/o Sh.O.P.Sharma  
R/o Village Saidulazabad  
Mehrauli, New Delhi. ....
- APPLICANTS

BY ADVOCATE SHRI G.D.GUPTA WITH  
SHRI M.K.GUPTA.

Vs.

1. Govt.of National Capital Territory of Delhi  
through its  
Chief Secretary  
5, Sham Nath Marg,  
Delhi.
  2. The Secretary(Services)  
Govt.of National Capital Territory of Delhi  
5, Sham Nath Marg,  
Delhi.
  3. The Deputy Secretary(Services)  
Govt.of National Capital Territory of Delhi,  
5, Sham Nath Marg  
Delhi.
- ... RESPONDENTS

ORDER

JUSTICE S.K.DHAON:

MA for joining together in this OA is allowed.

2. These are five applicants. They are aggrieved by the order dated 28.7.1994 passed by the Deputy Secretary (Services) transferring/posting them to different departments as Head Clerks.

3. Three, out of the five applicants on or before 28.7.1994, were working as Inspectors in the department of Sales Tax. Applicant, Ishwar Singh was working as an

Inspector in the department of Development. Applicant Shanker Dev was working as Inspector in the department of Labour. Former departments in which they were working and the departments to which they have been transferred are under the Delhi Administration. Prior to 1981, the Delhi Administration Subordinate Service had two wings, namely Executive and Ministerial. The relevant Rules were amended and the two wings were merged. This happened some time in the year 1981. The applicants before the merger were in Grade II(Executive). After the merger, the label of Executive and Ministerial disappeared and a common service came into existence. For the common service different grades were provided for. They were Grade-I, Grade-II, Grade-III & Grade-IV. All the Inspectors and Head Clerks were brought under common grade, namely Grade-II. Therefore, on the date of the passing of the impugned order, the applicants and the Head Clerks in the Delhi Administration were under Grade-II and they will continue to be under Grade-II in spite of the order of transfer/posting.

4. It is not the case of the applicants nor can it be/ as a result of the impugned order of transfer/posting there has been any change in their status. The status of Grade-II, as already stated, has been kept intact. It is also not the case of the applicants that as a result of their being posted as Head Clerks in different departments of the Delhi Administration, there will be any diminution whatsoever in their emoluments. It is also not the clearcut and specific case of the applicants that the seniority amongst the employees falling under Grade-II will be affected in any manner by the impugned order of transfer/posting. However, at the Bar, it was stated that the applicants apprehend that their chances of promotion to higher grades may be put in jeopardy as a result of the impugned order. We make it clear that the applicants' chances of promotion

to higher grades shall remain unaffected in spite of  
transferred/  
their being/posted as Head Clerks instead of Inspectors.

5. An argument of mala fide has been advanced to assail the impugned order. It is to be noted that no allegation of mala fide has been made against any particular officer. In fact, no officer has been cited as one of the respondents by name. It is urged that the applicants alone have been picked up for being assigned the job of Head Clerks. Neither Inspectors senior to them nor Inspectors junior to them have been assigned the job of Head Clerks. It is urged that this in itself shows that a punitive action has been taken against the applicants. It is stated that the reason for taking such an action is that the applicants who have challenged the legality of the rule by which the merger had taken place have been picked out with a view to teach them a lesson. This apparently is a figment of imagination. At any rate, this allegation is a far-fetched one so as to make out a case of mala fide in general against responsible officers.

6. No other argument has been advanced in support of this original application.

7. This application has no merit. It is rejected summarily.

*B.N. Dhoundiyal*  
(B.N.DHOUNDIYAL)  
MEMBER(A)

SNS

*S.K. Dhaon*  
(S.K.DHAON)  
ACTING CHAIRMAN