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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.2004/94

Dated this the 22nd of November, 1994.

Shri N.V. Krishnan, Hon. Vice Chairman(A).

Shri C.J. Roy, Hon. Member(J)

Shri R.K.Jindal,
S/o Late Shri S.L.Jindal,
R/o 246, Block-76,
Sector-1, DIZ Area,
Gole Market,
New Delhi 110 001.

...Applicant

By Advocate: Shri I.C. Sudhir.

versus

1. Union of India through
Secretary, Ministry of
Information and Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio,
Akashwani Bhawan,
New Delhi 110 001.
3. Union Public Service Commission,
through the Deputy Secretary(SI),
Dholpur House,
Shahjahan Road,
New Delhi.

...Respondents

By Advocate: None.

O R D E R (ORAL)

(By Shri N.V. Krishnan)

We have heard the learned counsel for the applicant. The OA is in respect of the disciplinary proceedings, in which, the order of compulsory retirement has been passed by the President of India on 19.4.94 'Annexure-A-IX'. The article of charge against the applicant reads as follows:-

"The said Shri R.K. Jindal, while working as Assistant Director of Engineering, Directorate General, All India Radio 'P&D Unit', was under order of transfer to the office of the Chief Engineer 'East Zone', All India Radio and Television, Calcutta. He, however, defied the transfer order and had been absenting himself wilfully and unauthorisedly with effect from 19.5.1989.

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By his above act, Shri Jindal has exhibited lack of devotion to duty and conduct unbecoming of a Government servant thereby contravening rule 3(i)(ii) and (iii) of the Central Civil Services (Conduct) Rules, 1964."

2. Heard the learned counsel for the applicant on admission. He states that he had raised the issue of malafides in respect of transfer, which has not been considered. He draws our attention to the Annexure A-2 representation dated 11.4.89 in this regard. That annexure does not mention any thing about the malafides. His contention, therefore, that the issue of malafides is not dealt with, in the order has no substance. That apart, he did not comply with the orders of the transfer. However, if he was aggrieved by the order of transfer and also aggrieved that the respondents did not consider his representation against the order of transfer itself, it was open to him to seek relief in the appropriate forum. Not having done that, the plea raised cannot be heard. He has not complied with the order of the transfer. Therefore, we do not see any merit in the OA for admission.

3. In the circumstances, this OA is dismissed at the admission stage. No costs.

[Signature]
(C.J. ROY)
MEMBER (J)

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[Signature] 24/1/89
(N.V. KRISHNAN)
VICE CHAIRMAN (A)