

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1352 of 2000

New Delhi, this the 22th day of February, 2001.

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri S.J. Ravi Verma
Art Designer in
Weavers' Service Centre,
Ministry of Textile at
Barari, Bhagalpur,
Bihar.

-APPLICANT

C/o Satya Mitra Garg
113-C, DDA LIG Flats
Motia Khan, Jhandewalan
New Delhi-110 085.

(By Advocate: Ms. Mona Lisa, proxy for Shri S.
M. Garg, Counsel)

Versus

Union of India
(through the Development Commissioner
For Handlooms, Ministry of Textiles,
New Delhi.

-RESPONDENTS

(By Advocate: Shri N.S. Mehta, Counsel)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant was appointed as Art Designer by the Ministry of Textiles and he was posted at Delhi. Vide orders dated 14.7.93 and 28.3.94 the applicant was transferred to Weavers' Service Centre, Bagalpur, Bihar in the Eastern Zone. The applicant impugned those orders by filing an OA No.793/94 which was rejected but liberty was given to the applicant to apply afresh giving his option. The applicant made an application for being allocated to North Zone with a request to transfer to Delhi, but he was informed that there was no vacancy. Thereafter he had been making representations again and again but was informed that there was no vacancy, as such he has filed the present OA again praying therein that

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directions be issued to the respondents to transfer and post the applicant to North Zone in Delhi in compliance of the judgment passed in the earlier OA.

2. The respondents contested the OA and submitted that the request of the applicant was considered but since there was no vacancy so the applicant could not be accommodated.

3. The applicant in his rejoinder has alleged that one Shri Ramakrishna, Art-Designer had given option for his posting to East Zone and it was stated that his case was to be considered on his turn. However, Shri Ramakrishna was considered and he was transferred to Varanasi. Thus there existed a vacancy at that time against which applicant could have been considered. The applicant has also pointed out that there was another vacancy because one Shri R. Goswami has proceeded on deputation but his vacancy is not being filled up by the department.

4. In reply to this the department has submitted that there is no clear vacancy as Shri Goswami has retained his lien, hence it cannot be said that there was a clear cut vacancy on proceeding of Shri Gowami on deputation. Besides that learned counsel for the respondents also pointed out that one another person Shri Rakesh Singh was transferred from Varanasi to Delhi and now there is no vacancy at Delhi. But the counsel for

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the applicant pointed out that applicant has a preferential right than that of the Rakesh Singh because of the judgment given in the earlier OA, so Rakesh should be sent back as his transfer to Delhi was made at the time when the case of applicant was pending.

5. After the arguments on these lines were submitted by the rival parties, a suggestion was given by the learned counsel for the applicant that the applicant who has only three months to superannuate be accommodated in Delhi to which Shri N.S. Mehta, learned counsel for the respondents agreed to explore the possibilities.

6. In view of these submissions, the respondents should see that the applicant is posted to Delhi within a period of one month. At this stage also it was pointed out by Shri Mehta that since the applicant is to superannuate within a period of 2 months, his pension papers has already been processed. In case he is posted at Delhi, his pension papers will be delayed.

7. Shri Garg appearing for the applicant submitted that if delay caused in release of pension is exclusively attributable to his transfer to Delhi, applicant will not claim any remedy against that delay.

8. In view of the suggestion, the OA is allowed and respondents are directed to post the applicant at Delhi within a period of 1 month from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh