

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) OA No. 2122/2000

With

2) OA No. 2114/2000

✓ 3) OA No. 2115/2000

New Delhi: this the 5th day of DECEMBER 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1) OA No. 2122/2000

M. Das,
Deputy Secretary,
Dte. of Plant Protection,
Quarantine & Storage,
Faridabad

.....Applicant.

2) OA No. 2114/2000

Dr. R. L. Rajak,
Plant Protection Officer,
Dte. of Plant Protection, Quarantine & Storage,
Faridabad

.....Applicant.

Versus

1. Union of India,
through
Secretary,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel & Training,
North Block,
New Delhi.

2. The Secretary,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
Krishi Bhawan,
New Delhi-11

3. Shri A. K. Gambir,
Under Secretary (Vig),
Dept. of Agriculture & Cooperation,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi-11

.....Respondents.

(In both OAs)

✓ 3) OA No. 2115/2000

Dr. A. D. Pawar,
Director (IPM),
Dte. of Plant Protection, Quarantine & Storage,
Faridabad

.....Applicant.

Versus

1. Union of India,
through
Secretary,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel & Training,
North Block,
New Delhi.
2. The Secretary,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
Krishi Bhawan,
New Delhi-11

.... Respondents.

Advocates:

For applicants: Shri R. Venkata Ramani, Sr. counsel along with Shri K.B.S. Rajan for applicants in all the 3 cases.
Shri K.C.D. Gangwani for respondents.

ORDER

S.R. Adige, VC (A):

As these three OAs involve similar questions of law and fact, they are being disposed of by this common order.

2. In these 3 OAs, applicants have impugned the respective memorandums dated 20.7.2000 (Annexure-1) proposing to hold a departmental enquiry under Rule 14 CCS (CCA) Rules, 1965, in connection with the alleged irregularities said to have been committed in regard to purchase and despatch of laboratory tables.
3. We have heard Shri Venkata Ramani, Sr. counsel for applicants and Shri K.C.D. Gangwani for respondents.
4. It is not denied that in response to the aforesaid Memos applicants have submitted their written statement of defence which remains still to be disposed of by respondents.

5. Accordingly we dispose of these OAs at this stage with direction to respondents to dispose of the aforesaid written statement of defence submitted by each of the applicants by a detailed, speaking and reasoned order in accordance with rules and instructions under intimation to the applicants, within 2 months from the date of receipt of a copy of this order. While doing so, respondents will also keep in view the grounds taken in the respective OAs challenging the initiation of departmental proceedings against applicants. Till the aforesaid orders are passed by respondents pursuant to written statement filed by applicants, they should not be compelled by respondents to participate in the departmental proceedings.

6. If pursuant to the aforesaid direction any grievance still survives, it will be open to applicants to seek revival of these OAs after specifically impugning the orders so passed by respondents.

7. Meanwhile in regard to OA No.2122/2000 M.Das Vs. UOI & Ors., an ex parte interim order dated 12.10.2000 was passed restraining respondents from implementing their order dated 25.9.2000 (Annexure-11) by which the services of Shri Das had been placed at the disposal of DOPT(E.O's Office) for further posting.

8. During hearing, respondents' counsel Shri Gangwani informed us that DOPT had themselves advised respondents not to place Shri Das's services with them as his case is separately being taken up in the General Rotational Transfers. Shri Gangwani states that Shri Dass's services therefore have not ^{been} placed with the DOPT, but he has been transferred within the department itself, although that order has yet not been implemented. Shri Gangwani further

stated that Shri Das has been at his present seat for the last 12 years or more, and there was nothing unusual in transferring him within the department. He also stated that rotational transfer which was to be done by DOPT, is to be completed within 4 weeks or so.

9. Shri Venkataramani on the other hand contended that Shri Das's transfer even within the department was motivated by malafide motive and the situation did not warrant his transfer.

10. It is wholly within the competence of the department to transfer any employee from one seat to other and the applicant has no enforceable legal right to compel respondents to retain him at a particular seat more so as the other officer who was also transferred within the department, has reportedly joined his new seat. However, as the rotational transfer itself is likely to be completed, as per Shri Gangwani's own averments, in 4 weeks or so and it is not either in the public interest nor indeed in the Govt. employees' own interest to subject to frequent transfers to contribute effectively to Govt. work, it is for respondents to consider whether they would like to wait for the implementation of the rotational transfers and retain Shri Das at his present seat till then or enforce their orders transferring him to another seat. In either case they should pass appropriate orders after due application of mind, and in accordance with the relevant rules and instructions.

11. The OAs are disposed of in terms of paras 5 and 1 above. No costs.

(P)

12. Let a copy of this order be placed on each case record.

(DR.A.VEDAVALLI)
MEMBER(J)

(S.R.ADIGE/)
VICE CHAIRMAN(A).

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Patrechm atty.