

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 640/2000 with OA 661/2000 105
T.A. No.

(9)

DATE OF DECISION: 10-7-2000

OA 640/2000 - Sh. Virender Singh Petitioner
and Ors.

OA 661/2000 M.S. Rawat

Shri R.P. Kapur

.... Advocate for the
Petitioner(s)

VERSUS

UOI & Ors

.... Respondent

Sh. A. K. Bhardwaj

.... Advocate for the
Respondents.

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan,
Member (J))

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 640/2000

with

OA 661/2000

(6)

New Delhi this the 10th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

OA 640/2000

1. Sh. Virender Singh S/O
Shri M.P. Verma,
H.No.C-463, Kidwai Nagar
East, New Delhi-23
2. Sh. Surinder Kumar S/O
Shri Swaran Singh,
H.No.A-1445, Wazir Nagar,
Gali No.7, Kotla Mubarakpur,
New Delhi-3

.. Applicants

(By Advocate Shri R.P. Kapur)

Versus

1. The Union of India,
Ministry of Home Affairs,
through Registrar General, India
Man Singh Road, New Delhi.
2. Directorate of Census Operations,
Govt. of India, through its
Deputy Director of Census Operations
Old Secretariat, Delhi-54
3. The Deputy Director,
Office of the Registrar General,
India, Man Singh Road, New Delhi.
4. Shri R.S. Lal
Deputy Director, Registrar General
India's Office, R.K. Puram, New Delhi
5. Shri S.P. Sharma, Consultant Officer
through Senior Supervisor, Office
of the Registrar General, India,
R.K. Puram, New Delhi-66

.. Respondents

(By Advocate Shri A.K. Bhardwaj)

OA 661/2000

Shri M.S. Rawat
S/O Late Shri D.S. Rawat,
E-1239, Netaji Nagar,
New Delhi-23

.. Applicant

(By Advocate Shri R.P. Kapur)

Versus

1. The Union of India,
Ministry of Home Affairs,
through Registrar General,
India Man Singh Road, New Delhi.

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2. Directorate of Census Operations,
Govt. of India through its Deputy
Director of Census Operation, Old
Sectt., Delhi-54

3. The Deputy Director
Office of the Registrar General,
India, Man Singh Road, New Delhi.

4. Shri R.S. Lal,
Deputy Director, Registrar General
India's Office, R.K.Puram, New Delhi.

5. Sh.S.P.Sharma, Consultant Officer
through Senior Supervisor Office
of the Registrar General, India,
R.K.Puram, New Delhi-66

6. Sh.Pramod Kumar, DEO O/O DCO thr'R-2
(By Advocate Shri A.K.Bhardwaj)

.. Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Member(J)

Both the learned counsel submit that the issues and facts raised in the aforesaid two cases are similar and therefore, they may be taken up together. Hence OA 640/2000 and OA 661/2000 are being disposed of by a common order.

2. The applicants in the aforesaid two applications (OA 640/2000 and OA 661/2000) are aggrieved by the orders issued by the respondents dated 11.4.2000 transferring them from one Division to another i.e. D.P.Division to Directorate of Census Operations (DCO), Delhi. Shri R.P.Kapur, learned counsel for the applicants has submitted that these two OAs have been filed on 18.4.2000. Shri A.K.Bhardwaj, learned counsel for the respondents has submitted that by subsequent orders issued by the respondents on 24.5.2000 and 25.5.2000, copies placed at Annexures A 6 and A 7 to the rejoinder filed on 6.7.2000, the respondents have set right the grievances of the applicants, namely, by retransferring the applicants to their original posting. In the circumstances,

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Shri A.K.Bhardwaj, learned counsel for the respondents has contended that nothing further survives as the impugned orders have been superseded by subsequent orders issued in May, 2000.

3. Shri R.P.Kapur, learned counsel for the applicants however, submits that the copies of orders which he has annexed in the rejoinder to the OA which has been filed in July, 2000 do not even refer to the orders against which the applicants had filed the present applications. Apart from this, he has also stated that in the counter reply filed by the respondents dated 28.6.2000 i.e. after the orders reposting the applicants to their earlier place of posting had been issued, they have not made any mention of these orders. He has also submitted that the respondents have, therefore, merely contended that the temporary placement of the applicants has been made in public interest and has prayed that the applications may be dismissed. He has, therefore, submitted that if the respondents had referred the correct facts in time, atleast at the time when they had filed their reply in June, 2000, these cases could have been disposed of and not kept pending for further several months. In the circumstances, he has prayed for costs. Shri A.K.Bhardwaj, learned counsel for the respondents has submitted that no delay has been caused by the respondents as the Office orders dated 24.5.2000 and 25.5.2000 had been passed by another office, that is

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by a different Division/Department which comes under Respondent 2.

4. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties. The main contention of the learned counsel for the respondents is that in these two applications the orders are not suffering from any illegalities. However, he has contended that the DCO, Delhi having found that the applicants were not suitable and they had taken a decision to return the applicants to their original place of posting i.e. the D.P. Division. The contention of the learned counsel for the applicants is that in any case, before the respondents had filed their reply on 28.6.2000, the facts were known to them, namely, that the applicants have been returned to their original place of posting which fact has not been brought to the notice of the Tribunal by the respondents. I am not impressed by the submissions made by the learned counsel for the respondents, that as these two Divisions are different under Respondent 2, they were not aware of the Office orders dated 24.5.2000 and 25.5.2000 before they had filed reply on behalf of respondents. In this view of the matter, although these two application have become infructuous because of the aforesaid Office orders, it

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(A)

is also clear that the OAs could have been disposed of earlier, if the respondents had submitted the Orders in time.

5. In the above facts and circumstances of the case, OA 640/2000 and OA 661/2000 are disposed of as having become infructuous. For the reasons given above, I consider it appropriate that respondents pay Rs.500/- (Rupee Five Hundred only) to each of the applicants as costs.

6. Let a copy of this order be placed in OA 661/2000.

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)

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