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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.
....

Date of Decision: 30.1.1989.

Regn. No. O.A. 145/89.

Shri Baljit Singh ... Applicant

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. B.C. Mathur, Vice-Chairman.

Applicant through Shri R.R. Rai with Shri Umesh Mishra,
Advocates.

Respondents through Shri M.L. Verma, Advocate.

JUDGMENT.

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This is an application under Section 19 of the Administrative Tribunals Act, 1985 filed by Shri Baljit Singh, work-charged driver in the Central Water Commission against his transfer order from P.C.P. Directorate to Dam Safety Organisation, C.W.C., New Delhi, under the administrative control of the Chief Engineer (DSO). The case of the applicant is that he is employed with the Training Cell and PCP SDOI (HQ) with effect from 1.6.1973, which is an independent unit of the C.W.C. and according to the Government decision, the seniority of the work-charged drivers is maintained at the organisation level of the Chief Engineer concerned and a driver cannot be transferred beyond the organisation level of the Chief Engineer under whom he is working. The applicant is a work-charged employee and hence, he cannot be transferred from one unit to another. The applicant claims that his order

of transfer is against the norms and transfer policy and not in public interest.

2. In their reply, the respondents have mentioned that the transfer order clearly indicates that the applicant will continue to be on the seniority list of the work-charged staff in the Upper Ganga Circle C.W.C. New Delhi where the said seniority is maintained at present for the work-charged staff of Headquarters Units of C.W.C. such as PCP Directorate, Training Cell, DSO etc. It has also been mentioned that the applicant had filed an application bearing O.A. No. 1561/88 in this Tribunal against his transfer from the PCP Directorate to the Central Stores Division and the court had dismissed the application on 10th October, 1988 upholding the transfer order and observing that "these are administrative order and I would like to leave it to Chief Engineers to decide where they would like to utilise the services of the applicant in the best interests of the work". The learned counsel for the respondents said that the present case is fully covered by the judgment of the Tribunal in O.A. No. 1561/88 (supra).

3. The learned counsel for the applicant, Shri Mishra, said that the applicant is not being transferred in any public interest and the transfer is arbitrary, against the transfer policy and is as a measure of revenge against the applicant. He said that the seniority of the applicant is not with the Chief Engineer, Upper Ganga Circle and that ~~he~~ being a permanent official, he should not be posted against a temporary post. Shri Mishra also said that in his present posting, there is no overtime but in the new post, he would require to do overtime. AS his wife is not keeping well, it would not be possible for him to do overtime work.

4. I have gone through the pleadings and heard the arguments on both sides carefully. The applicant is being transferred within the C.W.C. and will be working at the same place as offices of the Chief Engineers are located in the same building. As such, he is not put to any harassment. Since both the Chief Engineers have agreed to this transfer, I see no reason to interfere with the impugned transfer order. The respondents are, however, directed to ensure that the seniority of the applicant is not disturbed by this transfer. It is also for them to consider whether they would like to consider the applicant's request to keep him at the post where overtime work is not required to be performed. The Tribunal will not, however, like to interfere with this transfer order. In the circumstances, the application is rejected. There will be no order as to costs.



(B.C. Mathur)
Vice-Chairman.
30.1.1989.