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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1906 of 1989.
T.A. No.

DATE OF DECISION 17.11.89

R. Sudersanan Applicant (s)

Shri Sanjiv Madan, Advocate for the Applicant (s)

Versus

Union of India & Others Respondent (s)

Shri J.D. Bhagat, UDC, in the Advocate for the Respondent (s)
Directorate of Transport, Delhi Admn.,

CORAM :

The Hon'ble Mr. B.C. MATHUR, VICE- CHAIRMAN.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

This application has been filed by Shri R. Sudersanan, Stenographer Grade 'D' in Delhi Administration, Directorate of Transport, against the impugned orders dated 13.6.1989 issued by the Ministry of Finance (Revenue Department) against accepting the applicant in the Income Tax Department on the grounds that Recruitment Rules for Group 'C' and 'D' officials do not permit entry from other Ministries/ Departments to the Income Tax Department and as such the request of the applicant for transfer from Delhi to Kerala on compassionate grounds cannot be accepted.

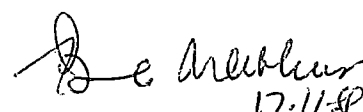
2. The case of the applicant is that the Ministry of Personnel & Training, Administrative Reforms and Public Grievances and Pension (Department of Personnel & Training) in their notification dated 29th July, 1985 have inserted Article 89-A in the Civil Services Regulations which reads as follows:

"A Government servant may be transferred from one post to another lower post with a view to secure posting station of his choice, on his request."

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As a result of this insertion, it is claimed that a numbers of persons have actually been posted from one Department to another in Tamil Nadu, Kerala, etc. It has been brought out by the applicant that some persons like Shri Ravi Chandra, LDC in the Ministry of Tourism and Civil Aviation, Ms. C.K. Pushaplata L.D.C. in the Ministry of Home Affairs, Miss Gowri, Steno in the Ministry of Defence and others have been transferred to the Income Department ⁱⁿ ~~at~~ Kerala and as such the O.M. dated 13.6.89 by the Ministry of Finance is discriminatory.

3. Article 89-A does permit a Government servant to be transferred ^{from} one post to another lower post and such a transfer may not be closed on grounds of recruitment rules although there could be various reasons for not accepting such transfers by a Department. It is held that the courts cannot issue orders for posting : a person to any Department and these are matters which have to be considered by the Ministry/ Department concerned. A copy of this order be sent to the Department of Personnel & Training for taking such action as they deem fit in persuance of their notification dated 29.7.1985 in terms of Article 89-A of the Civil Services Regulations. It may be mentioned that the Ministry of Home Affairs in their O.M. dated 8th April, 1987 had circulated the names of many officials, including the applicant, Shri R. Sudersanan, Stenographer Grade 'D', to various Departments, including the Income Tax Department. With these observations, the application is disposed of.


(B.C. Mathur) 17.11.89
Vice-Chairman