

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. 1918/88

Date of decision 24.11.88.

Shri Pritam Kumar

.....Petitioner

Vs.

U.O.I.

.....Respondents

For the Petitioner

..... Shri R.L. SETHI,
Advocate

For the Respondents

..... Shri Shyam Moorjani,
Advocate.

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporter or not? *No*

(The judgment of the Bench delivered by Hon'ble Mr. P. Srinivasan, Administrative Member)

This application has come up before us for admission with notice to the respondents. Shri R.L. Sethi, learned counsel for the applicant and Shri Shyam Moorjani, learned counsel for the respondents have been heard.

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2. After hearing counsel for both the sides, we feel that this application can be disposed of at this stage itself. The applicant is currently working as a temporary status Carpenter in the office of the Inspector of Works, Kurukshetra. He was initially recruited as a daily wage worker in the construction organisation at Shahbad Markanda. He was accorded temporary status, according to the applicant with effect from 1.1.83 and according to the respondents w.e.f. 1.1.85. He was transferred from Shahbad Markanda along with his post to the office of the Inspector of Works, Kurukshetra in November, 1986. However, by order dated 8.9.88 (which is impugned in this application) at page 7 (Annexure A-I), the applicant stood transferred back to the Construction Division, Ambala. The respondents contend that the applicant having been initially recruited in the Construction Division was only being repatriated to that division because his continuing in Kurukshetra was causing problems regarding seniority of other/working at Kurukshetra vis-a-vis the applicant. Shri Sethi clarifies that his client is not claiming seniority vis-a-vis other people working in Kurukshetra. He submits that if he is transferred from Kurukshetra, his post should also be transferred along with him. The applicant apprehend that his impugned transfer to the Construction Division, Ambala may result in his being posted to different places within the academic year and that would affect the education of his children. Shri Sethi plead, therefore, that the applicant should not be subjected to

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frequent transfers within the academic year.

3. Shri Sethi submitted further that a letter dated 12.5.88 was issued to the applicant by the Chief Inspector of Works, Kurukshetra enclosing a copy of another letter dated 15.4.88 issued by the Chief Engineer, Construction, Kashmeregate, Delhi, requiring the applicant to appear before the Screening Committee on 3.5.88 for the purpose of being regularised. The Chief Inspector of Works, Kurukshetra explained in his letter that the letter from the Chief Engineer was received by him after the date fixed for screening and that he was endorsing it to the applicant only for his information. As a result of this, the applicant could not go before the Screening Committee for regularisation. Thus, for no fault of his, the applicant could not appear before the Screening Committee. We feel this is a legitimate grievance which deserves to be remedied. The applicant should be called before the Screening Committee and the question of his regularisation should be considered within one month from the date of receipt of this order. Shri Sethi submits that at least till the applicant is screened, he may be allowed to continue at Kurukshetra. Shri Moorjani submits that retaining the applicant at Kurukshetra was not feasible for the reason already stated.

4. Having considered the statements made by the ^M ^M ⁱⁿ ¹ counsel on both the sides, ~~we feel that it would meet the~~
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of justice to pass the following directions:-

(i) The applicant should be screened for regularisation and the result announced within one month from the date of receipt of this order.

(ii) Since the respondents have some difficulty in continuing the applicant in Kurukshetra, the transfer order may be implemented and the applicant is directed to join the new place of posting.

(iii) Since the learned counsel for the applicant submitted that it would cause hardship to the applicant to be transferred frequently during the academic year, the respondents are directed to give the applicant a place of posting in Ambala Division immediately and not to transfer him from that place at least for one academic year. They may also consider the plea raised before us by Shri Sethi that the post held by the applicant be transferred back *M with from M* along him *to* Kurukshetra as before.

5. The application is disposed of on the above terms at the admission stage itself. Parties to bear their own costs.

6. A copy of this order may be served to the counsel for both the sides, immediately.

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(P. SRINIVASAN)
MEMBER (AM)

Parvath
(P.K. KARTHA)
VICE CHAIRMAN (J)