



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 2177/2020
M.A. No. 2770/2020**

Today, this the 12th day of January, 2021

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd.Jamshed, Member (A)**

Dr. M. Dhinadhayan
B-104, Central Government Residential Building
DeendayalUpadhyayMarg
Minto Road, New Delhi-110002.

.. Applicant

(Through Mr.Jaideep Singh, Advocate)

Versus

1. Union of India
Through Secretary
Ministry of Housing and Urban Affairs
NirmanBhawan, New Delhi-110011.
2. Department of Personnel and Training
Through Secretary
North Block, Central Secretariat
New Delhi-110001.
3. Union Public Service Commission
Through Secretary
Dholpur House, Shahjahan Road
New Delhi-110069.
4. Department of Expenditure
Through Secretary
Ministry of Finance
RajpathMarg, E Block
Central Secretariat, New Delhi-110001.

.. Respondents

(Through Mr.Manjeet Singh Reen, Advocate)



ORDER (ORAL)

Justice L. Narasimha Reddy :

The applicant was appointed as Adviser through order dated 13.03.2019 in an organisation called Central Public Health and Environmental Engineering Organisation (CPHEEO) under the Ministry of Housing and Urban Affairs. The Ministry issued OM dated 11.12.2019, on distribution of work in the CPHEEO, in partial modification of the earlier arrangement. The name of the applicant figured at Sl. No.1 and the various duties assigned and powers conferred upon him are enlisted therein.

2. The applicant contends that the OM dated 11.12.2019 has brought about substantial changes and in fact have taken away several powers which were conferred upon him earlier. He contends that though he continues to hold the post at the level of Joint Secretary, the nature of duties assigned to him cannot fit in that position and on certain occasions, he is required to take instructions from his subordinates. The applicant made representations dated 24.12.2019 and on subsequent dates in this behalf. This OA is filed challenging the OM dated 11.12.2019.



3. We heard Mr.Jaideep Singh, learned counsel for the applicant and Mr.Manjeet Singh Reen, learned counsel for the respondents at length, at the stage of admission.

4. Through the OM dated 11.12.2019, the Ministry has allocated and distributed the works/subjects in respect of three officers. The applicant is in the position of Adviser and two others by name V.K. Chaurasia and J.D. Ravinder are at the level of Joint Advisers. The question as to whether the distribution of powers and functions under the OM is in conflict with any guidelines or other proceedings, having the force of law needs to be examined by the Secretary.

5. It is no doubt true that the position of the applicant at the level of Joint Secretary and his emoluments are very much intact. However, in case he is required to report his subordinates, the same needs to be addressed by the Head of the department. It would be difficult for this Tribunal to arrive at any conclusion as regards the nature of duties to be performed by an officer. Much would depend upon the procedure in vogue, in the respective department.

6. We, therefore, dispose of the OA directing the Secretary, Ministry of Housing and Urban Affairs to pass orders on the representation dated 24.12.2019, submitted by the applicant within a period of four weeks from the date of receipt of a copy



of this order. If the applicant has any further grievance, it shall be open to him to submit a representation in that behalf also.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

January 12th, 2021

/vv/jyoti/vb/akshaya/sd