

Central Administrative Tribunal
Principal Bench, Delhi.

(5)

REGN. NO. OA 1366 of 1987 Date of decision 16.11.1987

Shri Baldev Singh Applicant

Vs.

Union of India Respondents

PRESENT

Shri Umesh Misra & S ... Advocates for the applicant.
Shri R.R. Rai ...
Smt. Raj Kumari Chopra ... Advocate for the respondents.

CORAM

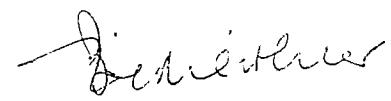
Hon'ble Shri B.C. Mathur, Vice-Chairman.

This is an application under Section 19 of the Administrative Tribunals Act, 1985, against the impugned order dated 7.9.1987 issued by the Deputy Director, Central Water Commission, shifting the headquarters of the applicant from New Delhi to Shimla.

2. The case of the applicant is that he has been transferred to a new Division, known as Snow Hydrology Division in a hilly area. He has no driving licence to drive in hilly areas and unless this licence can be obtained, he is not in a position to drive a car in such an area. The Snow Hydrology Division is primarily in a hilly area. He has also stated that he does not have the longest spell among the drivers at Delhi and it is against the policy issued by the respondents vide Annexure 'D' to the application.

3. In their written reply, the respondents have opposed the application on the ground that the drivers are supposed to drive car everywhere and the transfer policy does not come into the picture. The learned advocate for the respondents opposes the application on the ground that the transfer has been done due to shifting of the headquarters of the office and the applicant has already been directed to obtain a proper licence to drive a vehicle. She, however, admits that sometime can be given to the applicant to obtain a licence for driving a vehicle in a hilly area.

4. Without going into the question of technicalities and merits of the case, it is quite obvious that unless a person has a driving licence, it would not be correct to post him to drive a vehicle in a hilly area. As such the application is allowed. There will be no order as to costs.



(B.C. Mathur)

Vice-Chairman