

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

OA. No. 1265/90

Date of Decision: 24.9.91.

Dr. Chandra Shekhar Sahukar Applicant

Applicant in person - - -

Vs.

Union of India & Ors. Respondents.

Shri M.L. Verma, Counsel for the respondents.

ORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman (J)

The Hon'ble Mr. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *IVD*

JUDGEMENT

(of the Bench delivered by Hon'ble
Shri B.N. Dhoundiyal, Member)

This C.A. has been filed by Dr. Chandra Shekhar Sahukar against his transfer to the newly formed Ministry of Food Processing Industries and the impugned order dated 18.4.90 issued by the Ministry of Agriculture rejecting his request for transfer back to the Ministry of Agriculture.

2. The applicant was recruited through the Union Public Service Commission against the permanent post of Senior Technical Assistant (Livestock) in the Department of Agriculture where he joined on 13.2.87. He was transferred to Ministry of Food Processing Industries vide Order No. 45011/5/88/E I dated 9.8.88. According to him, the junior most Senior Technical Assistant, Dr. Rajnish Kumar Gupta should have been transferred to the Ministry of Food Processing Industries. He contends that this transfer has

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adversely affected his chances of promotion as there are no such avenues available in his new Ministry. The applicant had requested that his name may be retained in the seniority list of Senior Technical Assistant (Livestock) in the Ministry of Agriculture for promotion to the post of Assistant Livestock Officer. He had also exercised his offer for repatriation to Ministry of Agriculture in accordance with the instructions contained in Ministry of Food Processing's letter dated 29.4.90.

3. In their counter, the respondents have taken the plea that since the applicant was transferred to the new Ministry with work and post, the question of his junior being considered for transfer did not arise and his name could not be retained in the seniority list maintained by the Ministry of Agriculture. He will have to avail whatever promotional avenues exist in the new Ministry.

4. However, during the final hearing, the learned counsel for the respondents produced a letter dated 6.9.91 issued by the Ministry of Agriculture which reads as under:-

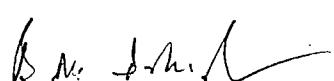
"With reference to a writ petition filed by Shri C.S. Sahukar, Senior Technical Assistant (Livestock) in the Ministry of Food Processing Industries in the C.A.T. vide Regn. No. C.A1265/90, he is hereby informed that the DOPT have advised that officers transferred to other Ministry(s)/Departments who were appointed to posts which formed the Feeder Cadre to the posts in the Department of Agriculture & Cooperation shall continue

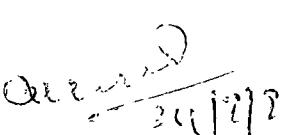
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to be so considered for the purpose of promotion until and unless the respective Recruitment Rules are amended. On the basis of ^{the} above advice of the DOPT, the candidature of even those officers who were appointed to feeder posts for promotion to the post of A.L.O. but later transferred to other Ministry(s) /Departments will also be considered alongwith other Departmental Senior Technical Assistants(Livestock) in this Department as and when the promotion case for promotion to the post of A.L.O. is processed."

5. In view of the above, even after his transfer to the Ministry of Food Processing Industries, the applicant will continue to be eligible for promotion to the post of A.L.O. in the Ministry of Agriculture. This is the position until and unless the recruitment rules are amended. In case the rules are changed to his disadvantage, the applicant would be free to approach this Tribunal with a fresh application in accordance with law. The application is therefore disposed of with the aforesaid observations.

6. There will be no order as to costs.


(B.N. DHOUDIYAL) 14/9/91
MEMBER (A)


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