

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1294/90
T.A. No.

199

DATE OF DECISION 5-10-1990

<u>Shri Tirlochan Singh</u>	Petitioner Applicant
<u>Shri G.D. Gupta,</u>	Advocate for the Petitioner(s) Applicant
Versus	
<u>Delhi Administration & ors.</u>	Respondent(s)
<u>Mrs. Avnish Ahlawat,</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D. K. CHAKRAVORTY, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

(Judgement of the Bench delivered by Hon'ble
Mr. D.K.Chakravorty, Member(A))

JUDGEMENT

The applicant, while working as Punjabi Translator in the Directorate of Information and Publicity, Delhi Administration, filed this application under Section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:

- (i) to quash the impugned order dated 1.6.1990 transferring him to Punjabi Academy;
- (ii) to declare his transfer to Punjabi Academy, which is an autonomous body, as wholly illegal as he is an employee of the Delhi Administration who cannot be transferred to such an academy without his consent; and
- (iii) to declare that he is not entitled to be transferred to such an Academy and/or any other post outside his cadre in any organisation.

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2. The facts of the case in brief are as follows.

The applicant was initially appointed as Punjabi Translator in the Directorate of Information and Publicity under Delhi Administration in October 1982. One of the conditions of appointment was that he will be liable to work in any office/department under ~~the~~ Delhi Administration.

3. There is no avenue for promotion from the post of Punjabi Translator. In view of this, when the applicant came to know that the post of Publicity Assistant in the Directorate of Information and Publicity was being filled ^{by} up/appointing another person, who was then working as a Librarian, he made representations to the respondents that he should be considered for such an appointment and not Mrs. Neelam Mehta, librarian, who according to him, was not qualified and eligible for such appointment. The applicant has alleged that the relevant recruitment rules were amended so as to make Mrs. Neelam Mehta eligible for the post of Publicity Assistant.

4. The applicant has stated that he incurred the displeasure of the respondents as he made representations against the appointment of Mrs. Neelam Mehta as Publicity Assistant. According to him, this led to the issuance of a Memorandum on 21.8.89 under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. An enquiry was also ordered but the same has not yet been held so far.

5. The Directorate of Information and Publicity publishes one quarterly Punjabi Magazine called "DILLI". The applicant was entrusted with the additional duties relating to the bringing out of the said magazine. He was not, however, paid any additional

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emoluments for doing so. He has alleged that in order to somehow ^{or the other to} punish and harass him, he was sought to be transferred out of his cadre without his consent by transferring him to the Punjabi Academy, which is a Society registered under the Societies Registration Act, 1860. On 1.6.90, an Office Order was issued by the Delhi Administration to the effect that the applicant is hereby directed to report to the Secretary, Punjabi Academy, to assist in the publication of the Punjabi Magazine 'DILLI'. It was further added that "he shall physically work under the guidance and control of the Secretary, Punjabi Academy. His pay shall, however, be drawn by this office as usual." (Annexure A-17, page 74 of the paper-book).

6. The applicant submitted a representation against the aforesaid order on 20.6.1990.

7. The applicant filed the present application in the Tribunal on 2.7.90. The Tribunal passed an interim order on 3.7.90 to the effect that the applicant may not be relieved from the present post. The said interim order has been continued till the case was finally heard and orders reserved on 17.9.1990.

8. The respondents have stated in their counter-affidavit that the case of the applicant is not one of transfer on deputation to the Academy. According to them, the department of Information and Publicity publishes quarterly a Punjabi Magazine "DILLI". The Director is the Chief Editor of the magazine. The applicant was appointed to the post of Punjabi Translator whose job is to translate, compile the articles received from different writers and make corrections of the proof from the press for submission

to the senior officers. There is no other work for a Punjabi Translator in the department of Information and Publicity.

9. The respondents have stated that the printing job of the magazine 'DILLI' was assigned to Punjabi Academy with effect from 1.6.90. It is in view of this that the applicant was directed to report to the Secretary, Punjabi Academy to assist in the publication of Punjabi Magazine. This was only a working arrangement but otherwise for all practical purposes, he still remains posted as Punjabi Translator in the Directorate of Information and Publicity, Delhi Administration.

10. We have gone through the records of the case carefully and have considered the rival contentions. The learned counsel of the respondents drew our attention to an order passed by the Directorate of Information and Publicity on 7.9.90 according to which, the publication of 'DILLI' magazines was to be stopped with immediate effect. The manuscript already sent to press, but not printed yet may also be withdrawn.

11. As the respondents have withdrawn the publication of the magazine, the impugned order dated 1.6.90 whereby the applicant had been directed to report to the Secretary, Punjabi Academy, has become infructuous. As the reliefs sought in the present application relate to his impugned transfer from Delhi Administration to Punjabi Academy, the application itself has become infructuous as the respondents have withdrawn the

publication of the magazine issued by the said Academy. We do not wish to express any opinion about the other grievances mentioned by the applicant including the manner of filling up the post of Publicity Assistant and the validity of the chargesheet issued to him by the respondents.

12. In the facts and circumstances of the case, we held that the applicant, who is an employee of the Delhi Administration cannot be transferred or posted to work outside his cadre without his consent. As the respondents have already withdrawn the publication work of 'DILLI' magazine from the Punjabi Academy, the impugned order of transfer dated 1.6.90 has become infructuous. The applicant should be allowed to work in Delhi Administration in the post of Punjabi Translator held by him.

There will be no order as to costs.

D.K. Chakravorty
(D.K.CHAKRAVORTY)
MEMBER

5/11/1990

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

5/10/90