

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 651/91  
T.A. No.

199

DATE OF DECISION 22.1.1992.

<u>Smt. Ganga Devi Mittal</u>	<u><del>Petitioner</del> Applicant</u>
<u>Shri M.T. Siddiqui</u>	<u>Advocate for the <del>Petitioner(s)</del> Applicant</u>
Versus	
<u>Union of India through Secy., Miny. of Urban Dev. &amp; Others</u>	<u>Respondent</u>
<u>Shri K.C. Mittal</u>	<u>Advocate for the Respondent(s)</u>

### CORAM

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

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

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. P.K. Kartha, Vice-Chairman)

Whether or not a permanent Government servant who has been rendered surplus and redeployed in another department, is entitled to readjustment in the same office in which she was declared surplus is in issue in the present application.

2. The applicant was appointed as L.D.C. in the Ministry of Health (Respondent No.1) in October, 1972 on compassionate grounds as her husband died in harness while he was working as Senior Draftsman. She was appointed as Tracer in the same Ministry in October,

1972 and was confirmed in the said post w.e.f. October, 1974. Thereafter, while working as Draftsman, Grade III in the Central Public Health Environment Engineering Organisation (CPHEEO) of the Ministry of Urban Development (Respondent No.1), the post of Draftsman, Grade III was declared surplus, vide order dated 7.6.1989, consequent upon the acceptance of the report of the Staff Inspection Unit of the Ministry of Finance. It was stated that the said post would be abolished from the date the incumbent demitted the post on redeployment/adjustment in another post or in any other circumstances or on the date of expiry of six months from the date the incumbent was declared surplus. On 22.6.1989, she applied to the Land and Development Officer for appointment as Junior Draftsman in his office, but the Land and Development Office informed Respondent No.1 on 14.9.1989 that she could not be considered for appointment to the post of Draftsman, Grade II, which was a post in the higher scale, whereas she was only holding the lower post of Draftsman, Grade III. On 18.10.1989, the applicant wrote to the Under Secretary of Respondent No.1 requesting him to relieve her to take up the post of Draftsman, Grade II in the Department of Telecommunication (Respondent No.3). Accordingly, by the impugned order dated 18.10.1989, she was relieved from the office of Respondent No.1 w.e.f. 20.10.1989 and she joined

the office of Respondent No.3 in the post of Draftsman, Grade II, which was in the same scale of pay as that of Draftsman, Grade III under Respondent No.1. She is presently working in the said post under Respondent No.3.

3. The applicant has prayed that the impugned order dated 18.10.1989 be set aside and quashed and that respondent No.1 be directed to redeploy her in their office as Draftsman (Civil).

4. We have carefully gone through the records of the case and have heard the learned counsel for both the parties. The fact that the post of Draftsman, Grade III came to be abolished in the office of Respondent No.1 is undisputed. In the Notice dated 2.6.1989 issued by Respondent No.1 declaring the post of Draftsman, Grade III in their office as surplus to their requirement, it was stated that the applicant was transferred to the Surplus Staff Establishment w.e.f. 1.6.1989 against the supernumerary post of Draftsman, Grade III created separately with effect from the same date in the same scale of pay, till she was relieved either to join another post or on her retirement, resignation, etc., whichever was earlier. She was also informed that it was open to her to seek voluntary retirement from the service in accordance with Rule 29 of the C.C.S. (Pension) Rules, 1972, within two

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months from the date from which she had been declared surplus. In our opinion, this was in accordance with the provisions of the scheme for redeployment of surplus staff evolved by the Department of Personnel and Training.

5. It is true that the requirement of Respondent No.3 is for a Draftsman, Grade II (Electrical) and not for a Draftsman (Civil) and the applicant has been continued in their office, like a square peg in a round hole, as characterised by the learned counsel for the applicant.

While there may be some force in this submission, so long as the applicant continues to <sup>at</sup> receive the same <sup>salary</sup> in the same <sup>scale</sup> of pay and other service benefits which she was enjoying before her redeployment, she cannot make a grievance out of the situation in which she has been placed by force of circumstances.

The learned counsel for the applicant stated that on her redeployment, there is a risk of her being deprived of the government accommodation in her occupation. Another grievance is that if she continues in the present assignment, she will have no chances of promotion.

6. We are of the opinion that in the interest of justice, the applicant should not be disturbed from her continued occupation of the government accommodation allotted to her before she joined the office of Respondent No.3, till her retirement on attaining the age of superannuation. She should also be charged only the normal licence fee for the

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accommodation in her occupation. As regards her readjustment in the office of Respondent No.1, we direct that the same should be left to be regulated in accordance with the redeployment scheme. The applicant may make a fresh representation to respondent No.1 in this regard and if such a representation is received, they shall sympathetically consider the same, depending on the availability of vacancy and other relevant factors. Respondent No.3 shall <sup>continue to</sup> ~~accommodate~~ her in her present post and shall continue to give her the same pay and allowances and all other service benefits which were being given to her before she joined their office.

7. The application is disposed of on the above lines. There will be no order as to costs.

*D. K. Chakravorty* 22/1/92  
(D.K. Chakravorty)  
Administrative Member

*P. K. Kartha* 22/1/92  
(P.K. Kartha)  
Vice-Chairman (Judl.)

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