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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-437/2004

New Delhi this the 2nd day of August, 2004.

Hon'ble Sh. Shanker Raju, Member(J)

Sh. Puran Singh,
S/o late Sh. Bhim Singh,
W/C Beldar, through the AE-1,
O/o the Exe. Engineer, CDX,
Govt. of NCT Delhi,
L.M. Bundh Office Complex,
Krishan Kunj,
New Delhi. Applicant

(through Sh. U. Srivastava, Advocate)

Versus

Govt. of NCT Delhi, through

1. The Chief Secretary,
5, Sham Nath Marg,
New Delhi.
2. The Chief Engineer,
Flood and Irrigation
Govt. of NCT Delhi,
Fourth Floor, ISBT,
Delhi.
3. The Executive Engineer CDX,
O/o the Exe. Engineer CDX,
Govt. of NCT Delhi,
L.M. Bundh Office Complex,
Krishan Kunj,
New Delhi. Respondents

(through Sh. Ajesh Luthra, Advocate)

ORDER (RAL)

Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel.

2. Applicant impugns his posting order to Mechanical Department-III, on the ground that this is in retaliation to the petition earlier filed by him before this Tribunal and also relying on PWD Manual

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contends that a Beldar cannot perform the duty of Chowkidar.

2. On the other hand, respondents' counsel contends that the two posts are synonymous and there are examples when the persons from Mechanical Department are shifted as Watchman, Beldar and vice versa.

3. Having regard to the rival contentions, it is a trite law that posting of a government servant is the prerogative of the Department unless the same is vitiated with mala fides or per se arbitrary. However, we do not find any such foundation laid by the applicant. Posting and transfers are made in administrative exigencies which should not be interfered by the Tribunal.

4. However, keeping in view the Manual produced before us which in fact applies to the over time rendered by Beldars on the post of Watchman, the same is although admissible when compensatory off is allowed. O.A. is disposed of with the direction to the respondents to follow their Manual and charter of duties while assigning duties to the applicant in Mechanical Department-III. No costs.

S. Raju

(Shanker Raju)
Member(J)

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