

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

(11)

QA ~~XX~~ No. 49

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T.A. No.

DATE OF DECISION July 14, 1987.

Shri Babu Lal Gupta, Petitioner

Shri S.L.Nim, Advocate for the Petitioner(s)

Versus

Chief Secretary, Delhi Admn. & Ors. Respondent-s.

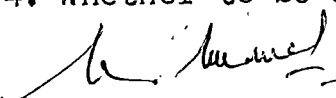
Shri J.S. Bali, Advocate for the Respondent(s)

CORAM :


The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

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


(Kaushal Kumar)
Member

14.7.1987.


(K.Madhava Reddy)
Chairman
14.7.1987.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

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REGN. NO. 49/85.

July 14, 1987.

Shri Babu Lal Gupta ... Applicant.

Vs.

Chief Secretary, Delhi Administration
and others. ... Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.
Hon'ble Mr. Kaushal Kumar, Member.

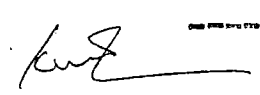
For the applicant ... Shri S.L. Nim, counsel.

For the respondents ... Shri J.S. Bali, counsel.

(Judgment of the Bench delivered by
Hon'ble Mr. Justice K. Madhava Reddy,
Chairman).

The applicant herein was Physical Education Teacher in the Government Boys Secondary School, Pataudi House, Darya Ganj, Delhi. He was shifted to Government Boys Senior Secondary School, Mansarovar Park, Shahdara, Delhi-32 by Order No. 752 dated 24.10.1985. That order is not specifically questioned in this application. In fact, in compliance of that order, the applicant took charge in the Government Boys Senior Secondary School, Mansarovar Park, Shahdara, Delhi-32 and claimed that:

"a proper Departmental Enquiry into the episode of 15th August, 1985 which has tarnished the image of the applicant in the eyes of the general public and particularly in the eyes of fellow teachers and officers above, giving the opportunity to the applicant in the said enquiry of hearing be held and also to restrain the respondents not to fill

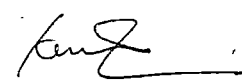
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up the post of Physical Education Teacher in Govt. Boys Secondary School, Pataudi House, Darya Ganj till the result of the enquiry is over".

The applicant was in charge of ⁶students of his school who were taken to witness the Independence Day Celebration on 15th August, 1985 at Red Fort, Delhi. Following a letter published in the Nav Bharat Times on 23.8.1985 to the effect that the boys who were taken to witness the Independence Day Celebration were not given proper medical aid and refreshment and as a result the boys remained hungry throughout the day, the Office of the Prime Minister's Secretariat called for a report from the concerned authorities. It is the allegation of the applicant that "in order to save his own skin the respondent No.3, (Vice Principal of the School) began harassing and asking questions as to how many students were given refreshment etc. etc. vide his letter dated 20.9.1985, knowingly that he had not given the money...".

It is the case of the applicant that he along with other teachers who were with the applicant at the Red Fort on 15.8.1985, gave a reply vide joint letter dated 20.9.1985. On receiving their reply, the Vice Principal began to harass him and got him transferred from Darya Ganj. The relevant records were placed before us, a perusal of which discloses that ~~when~~ the Prime Minister's Secretariat made an enquiry on the basis of a letter



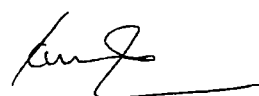
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~~xxxx~~ published in the News Paper. However, no departmental proceedings were instituted against the applicant or anyone else. Only a factual enquiry was made by asking the students as to what happened on that day. On the basis of their statements that they did not suffer any inconvenience, the matter was closed. The applicant, however, was transferred some time later.

But even that does not appear to be by way of punishment; nor does it appear to be in any way related to the enquiry that was held. It is, however, evident that the applicant and ^{the} Vice Principal were not ~~on~~ in good terms.

On receipt of a legal notice from the Advocate on behalf of the wife of the Applicant in which it was alleged that her husband was being harassed, a note was submitted to the Education Officer. On that note, the Education Officer opined that since there was lot of tension in the School and allegations were traded against each other by the Vice-Principal and the applicant, in the interest of the applicant himself, he should be transferred from that School to another school. In view of that Note, the Dy. Director of Education ordered applicant's transfer from Darya Ganj School to Government Boys Senior Secondary School, Mansarovar Park, Shahdara, Delhi-32.

We do not think that the transfer order made in these circumstances is penal in nature or even was

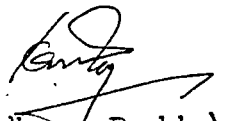


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intended to harass the applicant. No disciplinary proceedings were ever initiated and none are pending either against the applicant or anyone else. On the publication of the news paper, report, ^{an} enquiry was held and the matter was closed. Now, the respondents themselves have once again issued orders transferring the applicant from Boys Senior Secondary School, Mansarovar Park, Shahdara, Delhi-32. to a School at Jheel, Delhi Vide Order No.528 dated 7.7.1987 with immediate effect. In view of the latest transfer order made on 7.7.1987, we do not think any further directions are called for. This application is accordingly dismissed but in the circumstances with no order as to costs.



(Kaushal Kumar)
Member
14.7.1987.



(K. Madhava Reddy)
Chairman
14.7.1987.