

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

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O.A.1340/92

Date of decision: 23.3.93.

Karambir Singh

.. Applicant.

versus

Union of India & another

.. Respondents.

Sh.R.K.Kamal

.. Counsel for the applicant.

Mrs.Raj Kumari Chopra

.. Counsel for the respondents.

CORAM:

The Hon'ble Sh.N.V.Krishnan, Vice Chairman(A).

The Hon'ble Sh.B.S.Hegde, Member(J).

J U D G E M E N T (ORAL)

(Hon'ble Sh.N.V.Krishnan, Vice Chairman(A))

The applicant is aggrieved by the order dated 13.4.92 (Annexure A-IV) by which he, a Junior Engineer, been transferred from P.W.D. Division, Delhi Administration and posted to Ajmer against an existing vacancy. The main ground urged by him in the application is that in the matter of considering the representation filed by him (Annexure A-V) there has been discrimination in as much as the representation of another Junior Engineer, Sh.S.S.Jaiswal, who had served

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in Delhi for slightly longer period than the applicant and who had made representation (Annexure A-VI) on similar grounds had been accepted. The order of transfer of Sh.S.S.Jaiswal was cancelled, whereas the applicant's representation has been rejected.

2. The respondents have filed a detailed reply denying that any relief is due to the applicant. It is contended that the applicant has been in Delhi for a long time and he cannot complain. Further, the decisions of the Apex Court have made it clear that no breach of fundamental right is involved.


3. We have heard the lengthy arguments addressed by the learned counsel for both the parties. What appears to us to be most important is that the applicant is now due to appear in the L.L.B. final examination of the Delhi University, in June, 1993. A transfer at this stage will certainly affect the young man's career. Therefore, we put it to the counsel to the both parties whether they would be satisfied with a direction to the respondents to implement the order of transfer in respect of the applicant only, after the L.L.B. (final) examination is over. The learned counsel for the applicant stated that the matter could be disposed of in this manner and the learned counsel for the respondents left the matter to our discretion.


4. We are therefore, satisfied that in the

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interest of justice, this application should be disposed of finally with a direction to the respondents to keep in abeyance the impugned Annexure A-4 order dated 13.4.92 in so far it concerns the applicant until the L.L.B. final examination of the Delhi University is over in June 1993 or thereabout, irrespective of whether the applicant appears in the examination or not. We do so.

5. There will be no order as to costs.


(B.S.Hegde)
Member (J)


23.3.93
(N.V.Krishnan)
Vice Chairman(A)

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