

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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PRINCIPAL BENCH: NEW DELHI

O.A 773/92

Date of decision : 29.07.93

Shri Jai Kishsan Goel

...Petitioner

Union of India

versus

...Respondents

CORAM :-

HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

For the Petitioner : Shri R.V. Sinha, Counsel

For the Respondents: Ms. Jasvinder Kaur, Counsel

JUDGEMENT

We have heard the learned counsel for both the parties. The case of the petitioner in brief is that while the petitioner was working as Work Assistant at Delhi, he was transferred to Faridabad vide order dated 5.12.1991. The said order was issued by the Supreintending Engineer, C.P.W.D. on compassionate grounds at the request of the petitioner. When he reported for duty at Faridabad to the Executive Engineer, (Respondent No. I) he addressed a letter on 16.12.1991 to the Supreintending Engineer stating that there was no post of Work Assistant in his Office and that the petitioner should be adjusted in another suitable vacancy elsewhere. Since, he was not allowed to join duty, the petitioner represented to the Additional Director General (Works) on 6.1.92 requesting that he should be adjusted at Faridabad itself. The petitioner made another representation to Director General (Works) on 22.1.1992, followed it by another letter dt. 3.3.1992.

There is, however, no representation on record to indicate that the petitioner addressed the Controlling Authority, Superintending Engineer, C.P.W.D. Shri R.V.

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Sinha, Learned counsel for the petitioner, however, submits that the petitioner had made personal contact with the Superintending Engineer but, that was of no avail.

The respondents admit that that there was no post available at Faridabad where the petitioner could be posted as Work Assistant, the transfer of the petitioner was ordered as it was expected that one additional post of Work Assistant would be sanctioned. Since the creation of the new post did not materialise, the petitioner could not be adjustd at Faridabad. The respondents, however, vide their order dated 30.3.92 issued an order posting the petitioner as Work Assistant in the Office of the Superintending Engineer, C.P.W.D, Circle VI, Delhi Administration. The copy of said order is also endorsed to the petitioner. The learned counsel for the petitioner, however, submits that this order has not been served on the petitioner and it came to the notice only after the counter affidavit was filed by the Respondents. The fact remains that even after the counter-affidavit was filed on 27th May, 92 the petitioner has not joined duty in accordance with the order of the respondents.

After having perused the record and heard the learned counsel for both the parties, I am of the opinion that after the respondents had issued the order, posting the petitioner in the Office of the S.E. C.P.W.D. Circle VI, Delhi Administration there is no case for agitation for the petitioner. It is for him to join the post where he has been posted and to seek regularisation of the period of absence. The only direction that can be given is that if he applies

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for regularisation for the period of absence, the respondents shall take decision with expedition so that any amount which may become due to him is paid.

With the above observations, the petition is disposed of. This will not preclude the petitioner from seeking posting at Faridabad on Compassionate basis as per the rules/instructions on the subject. No costs.

S. L. Singh
(I.K. Rasgotra)
Member (A)

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