

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi.

O.A.2665/93

New Delhi, This the 8th Day of February 1994.

Hon'ble Shri P.T. THIRUVENGADAM, Member (A)

Shri Laxmi Narain,
R/O 14/36-38
Rohgarpura, Karel Bagh
New Delhi.

...Applicant

By Advocate Shri A.S. Dhupia

Versus

Union of India - Through

1. Secretary to the Govt of India
Department of Atomic Energy
(Atomic Minerals Division)
New Delhi.
2. The Regional Director, Minerals
Atomic Minerals Division,
Deptt of Atomic Energy
Govt of India, West Block VII
RK Puram, New Delhi.

...Respondents

By Advocate Smt. Preetima Mittal

ORDER

Hon'ble Shri P.T. Thiruvengadam, Member (A)

1. The applicant is working as LDC in the Atomic Minerals Division, Department of Atomic Energy, New Delhi. Vide Transfer Order dated 8.10.93 he has been transferred from New Delhi to Keta Godown in the same capacity. This OA has been filed assailing this transfer order.
2. The learned counsel for the applicant advances the following grounds:-

- (a) It is against the Government of India's policy as spelt out in DOP's letter dated 24.6.1985.
- (b) The applicant has recently been transferred from Hyderabad to Delhi and his further transfer to Keta is unfair.
- (c) No public interest is involved in the transfer of the applicant.
- (d) CAT Jaipur in OA-532/92 decided on 18.9.92, quashed the order of transfer in a similar case.
- (e) The applicant's mother is a heart patient and requires treatment in Delhi.
- (f) The applicant is only a LDC and is being posted against the post of UDC at Keta thereby enabling the said UDC to move over to Delhi.

...2/-

7

3. The learned counsel for the respondent countered the above by mentioning that the applicant was originally recruited in Hyderabad in the year 1986 and was transferred to Delhi in June 1990 at his own request. The post at Kota is only for a Group C ^{Employee} and the applicant has been posted there as LDC only. The posting has been made purely in the exigencies of official work and to provide substitute for another SC employee who has been working at Kota since Aug 1990. The Ministry of Atomic Energy has a relatively small Headquarters office at New Delhi and the activities are spread over. Even in the New Delhi office there is a proportionately large strength of SC employees and as such transferring the applicant cannot be construed as discrimination or harassment. The posting to Kota of the applicant has been made with the sole objective of providing a substitute for the SC employee working there since Aug 1990 whose mother is living alone in New Delhi and is suffering from number of ailments and needs assistance and support from her only son posted at Kota. With regard to the applicant, it had offered to post his brother, another employee of the department (~~brother~~) who is presently working in Harayana Area to the Chemical Laboratory at New Delhi in order to take care of the problem of the applicant's mother.

4. Having heard both the learned counsels I note that there is no infraction of any rules with regard to transfer nor any ground of malafide has been advanced.

5. As regards the contention^s of the DOP's letter dated 24.6.1985 are concerned it is noted that the relevant paragraph ~~is~~ reads as under:-

"Para 3. In this connection it is emphasised that the Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin"

96

In this case no act of discrimination based on grounds of social origin has been established.

6. The applicant also referred to the order passed by the Jaipur Bench of the Tribunal in O.A.532/92 of 18-9-1992. In the background of the facts of the case therein and the guidelines quoted in that order being applicable only to that department, there is no need to go into this order. The applicant cannot quote this order to his advantage.

7. In the circumstances of the case, this O.A. is dismissed with no costs.

P.T. Thi

(P.T.THIRUVENGADAM)
Member (A).

LCP