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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-672/93

New Delhi this the 24th Day of October, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri N.P.S. Negi,
S/o Shri M.S. Negi,
Meghna Circle, CWC
West Block No.1, Wing No.4,
Ground Floor, R.K. Puram,
New Delhi.

Applicant

(through Sh. D.S. Chaudhary, advocate)

versus

1. Central Water Commission through
its Chairman,
Sewa Bhavan,
R.K. Puram,
New Delhi.

2. Superintending Engineer, CWC,
Meghna Circle West Block No.1,
Wing-4, Ground Floor,
R.K. Puram, New Delhi-66.

Respondents

ORDER(ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Heard the learned counsel for the parties.

Orders had already been passed in this case on 24.3.1993 by a Single Member Bench (Hon'ble Sh. C.J. Roy, Member(J)) directing the respondents to permit the applicant to join the place of posting within a week's time. After joining the applicant he was given liberty to make a representation which was to be disposed of after considering his case sympathetically within a period of two months from the date of communication of the order. When this was not done, the applicant filed a contempt petition which was heard by a division Bench comprising of Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J) and B.N. Dhoundiyal, Member(A). On 16.5.94 exercising their suo moto powers, the Division

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Bench recalled the order dated 24.3.1994 and ordered that the O.A. be listed before appropriate Bench for being disposed of on merits and in accordance with law.

The applicant was working as Work Sarkar, Grade-II in the RD(JRC) Investigation Circle, Central Water Commission (now Meghna Circle, CWC), New Delhi vide order dated 30.3.1983. The work-charged staff under the Central Water Commission are recruited for works against the sanctioned estimates circlewise. The Headquarters of the Meghna Circle were shifted from Delhi to Silchar in April, 1990 and the applicant was posted to Meghna Investigation Division, Central Water Commission, Shillong. For some time he alongwith other staff were retained in the Camp Office to attend the work of shifting of records. Numerous representations were submitted by him but the respondents could not agree to his retention at Delhi. He was directed to be relieved of his duties in the Camp Office with effect from 30.9.1992 (afternoon) but he joined his duties at Silchar only on 16.10.1993. On 20.10.1993 he applied for 10 days leave which was sanctioned. He remained absent from his duties since then.

The learned counsel for the applicant states that the applicant was one of the employess whose case for retention in Delhi was recommended by the Supdt. Engineer/Incharge of the Circle. He also states that a number of other employess have been retained at Delhi and has also named one Ms. Kalpna Sarkar who was retained as Work-charged Khalasi. He has also stated that the

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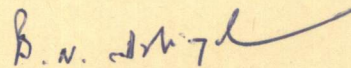
applicant had duly submitted his leave application alongwith medical certificate. The respondents have stated that no discrimination was made and those who had been retained are regularised against different jobs. As regards Miss Kalpna Sarkar, she was regularised in the lowest scale to which recruitment is made. If the applicant is retained at Delhi, it would adversely affect the promotional avenues of Work Sarkar Grade-III who were promoted as Work-Srkar Grad-II.

A perusal of the appointment letter given to the applicant on 30.3.1983 (Annexure-B) shows that the appointment carries with it the liability to serve in any part of India or outside. If the applicant was recruited on workcharged basis for a particular project and if the headquarter of that project was shifted, he was under obligation to join at the new headquarter. However, it is a fact that some employees have been retained at Delhi. The learned counsel for the applicant states that he will be willing to accept the lowest post at Delhi if it is offered to him.

Keeping in view the facts and circumstances of the present case, I do not think that this is a fit case where the Tribunal should interfere. However, the respondents may consider the possibility of adjusting him in a lowest post at Delhi in case such a representation is made by the applicant.

The O.A. is disposed of with these observations.

No costs.


(B.N. Dhoundiyal)
Member(A)