



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.680/2021

This the 26th day of March, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A K Bishnoi, Member (A)**

Mr. Vinit Kashyap, Group A,
Chief Manager,
In the office of National Small Industries
Corporation Limited,
NSIC Bhawan, Okhla Industries Estate,
New Delhi-110020
R/o H-105, KDP Grant Savans,
Raj Nagar Extn.
Ghazibad-201002

- Applicant

(Mr. VSR Krishna, Advocate)

Versus

1. National Small Industries Corporation Limited,
Through its Chairman,
NSIC Bhawan,
Okha Industrial Estate,
New Delhi-110020

2. Mr. Rajesh Kumar Tripathi,
General Manager (HR/L&D)
National Small Industries Corporation Limited,
NSIC Bhawan,
Okha Industrial Estate,
New Delhi-110020

- Respondents

O R D E R (Oral)



Justice L. Narasimha Reddy:

The applicant was working as Manager in the National Small Industries Corporation (NSIC) Ltd., the 1st respondent herein. Recently, he was promoted to the post of Chief Manager. Through an order dated 19.03.2021, he was transferred from Branch Office, Delhi to Branch Office, Guwahati. He filed this OA, challenging the order of transfer dated 19.03.2021.

2. The applicant contends that as the General Secretary of the NSIC Officers Association, he made several representations and in the recent past, has also demanded initiation of investigation by CBI against the omissions on the part of the 2nd respondent, General Manager and as a retaliation for that, the impugned order was passed. He contends that the impugned order is violative of the transfer policy and it is tainted with malafides.

3. We heard Mr. VSR Krishna, learned counsel for the applicant in detail, at the stage of admission.

4. The applicant is holding very senior position of 'Chief Manager' and he has to head the Branch Office. For the past about 10 years, he is working in Delhi in one capacity or the other. Through the impugned order, he was transferred to Branch Office Guwahati. He is not able to point out the violation of any specific guideline or paragraph of the transfer policy. His main emphasis is on the plea of victimization.



5. The applicant contends that he alleged serious irregularities against the 2nd respondent in the administration and that, in turn, resulted in the issuance of order of transfer. The representation dated 17.03.2021, which the applicant states, is the root cause of the transfer, reads as under:-

- “1. NSIC Officers Association has been requesting in writing to NSIC Management since long for bringing reforms in HR policies/Matters, i.e. Recruitment & Promotion Policy, Transfer Policy, Finalization of Draft Seniority list, Updating of Reservation Rosters etc. in order to bring transparency/fairness in HR Policies & preventing malpractices.
- 2. In view of the irregularities and anomalies observed by the Association from time to time, it was also requested to your goodself for third party Audit of HR Department. However, in spite of various requests made by the Association from time to time, NSIC Management did not pay heed to such sensitive issues and no corrective measures were taken resulting into a recent Promotion Scam' unearthed in the Corporation.
- 3. Sir, it has come into light that some promotion orders issued in the month of Dec'20, have been cancelled by HR Department on 11.03.2021 affecting promote officers across the country citing factual errors like eligibility criteria & no. of vacancies etc.
- 4. Besides, promotions were affected from GM to GM-SG on wrong relative seniority of Direct Recruits and Promotees of the year 2017 despite request of the Association to finalize the draft seniority list first.
- 5. Besides above, the Association suspect that there are many more irregularities in recently held promotions in Dec'20

In view of the above, the Association is of opinion that there is clear cut violation of prevailing

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procedures/existing norms done by Departmental Promotion Committee (DPC) & HR Department Officials during promotion orders issued in December'20 and therefore, request your good self & seek permission for CBI probe on the charge of criminal conspiracy, abuse of official position during discharge of duties and under the provisions of Prevention of Corruption Act within next three days.”

6. From a perusal of this, it is evident that except ventilating certain general grievance, the applicant did not point out any specific irregularity and at the same time, he employed the words such as “scam”. What is more surprising is that even while holding the position of Chief Manager, he demanded the CBI probe into the allegations, without indicating what the allegations are. He has also used the word “criminal conspiracy”. When such is the language employed by such a senior officer in the administration, the amount of turbulence created at that level can easily be imagined. At any rate, the applicant has to head the Branch Office and the ordinary rules of transfer do not apply to the officials of such senior position. Even otherwise, he did not point out any specific violation.

7. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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