



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**OA No. 234/2021
with
OA No. 228/2021
OA No. 229/2021
OA No. 232/2021
OA No. 317/2021
OA NO. 2102/2020**

This the 05th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1 OA No. 234/2021

1. Prahallad Nayak, aged about 53 years, S/o. Late Adikanda Nayak, Khurda, Plot No. Type -I/22. Mancheswar Railway Colony, Bhubaneswar, presently working as Assistant Binder.
2. Banshidhar Nayak, aged about 54 years, S/o Late Jagannath Nayak, Plot No. Type-I/20, Mancheswar Railway Colony, Bhubaneswar, presently working as Assistant Binder.
3. Sadhu Charan Mohanty, aged about 57 years, S/o Late Daitary Mohanty, Plot No. Type-II/8, Mancheswar Railway Colony, Bhubaneswar, presently working as Assistant Binder.
4. Bikram Kumar Satapathy, aged about 57 years, S/o Late Anirutha Satapathy, Plot No. Type-I/10, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Binder.
5. Padmanav Sethy, aged about 58 years, S/o. Late Dari Sethy, Plot No. Type-II/10, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Assistant Binder.
6. Arjun Behera, aged about 54 years, S/o. Late Manguli Behera, Plot No. Type-I/31, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Assistant Binder.



7. Arjun Kumar Hansda, aged about 55 years, S/o. Late Lagu Behera, Plot No. Type-I/21, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Machine Attendant.
8. Kailash Gochayat, aged, about 58 years, S/o. Late krushna Gochayat, Plot No. Type-I/09, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Machine Assistant.

All are working in the O/o. Officer In-Charge, Govt. of India Text Book Press, Mancheswar Railway Colony, Chandrasekharpur, Bhubaneswar.

...Applicants

-Vrs-

1. Union of India represented through its Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, Moulana Azad Road, New Delhi.
2. Director, Directorate of Printing, Govt. of India, Ministry of Housing and Urban Affairs, Nirman Bhawan, Moulana Azad Road, New Delhi.
3. Officer In-Charge, Govt. of India Text Book Press, Mancheswar Railway Colony, Chandrasekharpur, Bhubaneswar.
4. Officer In-Charge, Govt. of India Press, Temple Street, Kolkata

2. OA No. 228/2021

Bijaya Sahoo, aged about 56 years,
W/o – Kailash Chandra Sahoo,
Presently working as NURSE, Govt. of India Text Books Press,
At- Qrs No.2/Type – IV, Press Colony Chandrasekharpur,
PO- Mancheswar Railway Colony, Bhubaneswar – 751017,
Dist – Khurda

... .. Applicant

-Vrs-

1. Union of India, represented through,
The Secretary Ministry of Housing and Urban Affairs,
Nirman Bhavan, Moulana Azad Road,
New Delhi – 110108
2. Director,



Directorate of Printing
Government of India, Ministry of Housing and Urban Affairs,
Nirman Bhavan, Moulana Azad Road,
New Delhi – 110108

3. Officer In-Charge
Govt. of India Text Book Press,
Mancheswar Railway Colony,
Chandrasekharpur, Bhubaneswar – 751017

... .. Respondents

3. OA No. 229/2021

Manoranjan Mohanty, aged about 56 years,
S/o. Late Kamapal Mohanty,
Presently working as UDC, Govt of India Text Books Press,
At- Qrs No.18/Type-II, Press Colony, Chandrasekharpur,
PO- Mancheswar Railway Colony, Bhubaneswar – 751017
Dist – Khurda.

... ..Applicant

-Vrs-

1. Union of India, represented through,
The Secretary, Ministry of Housing and Urban Affairs,
Nirman Bhavan, Moulana Azad Road,
New Delhi – 110108.
2. Director,
Directorate of Printing,
Government of India, Ministry of Housing and Urban Affairs,
Nirman Bhavan, Moulana Azad Road,
New Delhi – 110108.
3. Officer In-Charge,
Govt. of India Text Book Press,
Mancheswar Railway Colony,
Chandrasekharpur, Bhubaneswar – 751017.

... .. Respondents

4. OA No. 232/2021

1. Purna Chandra Nanda, aged about 54 years, S/o. Late Basudev Nanda, Plot No. Type-I/27, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Assistant Binder.



2. Ashok Kumar Nayak about 55 years, S/o. Late Hari Nayak, At-Garakan, PO- Mancheswar, Bhubaneswar, Dist- Khurda, presently working as Machine man.
3. Abhiram Palei, aged about 52 years, S/o. Late Ghanashyam Palei, At/PO – Ishwarpur, PS – Rajnagar, Dist- Kendrapara, presently working as Assistant Binder.
4. Pabitra Kumar Sahoo, aged about 45 years, S/o. Prabat Kumar Sahoo, Plot No. Type-I/18, Mancheswar Railway Colony, Bhubaneswar, Khurda, presently working as Assistant Binder.

All are working in the O/o. Officer In-Charge, Govt. of India Text Book Press, Mancheswar Railway Colony, Chandrasekharpur, Bhubaneswar.

...Applicants

-Vrs-

1. Union of India represented through its Secretary, Ministry of Housing and Urban Affairs, Nirman Bhawan, Moulana Azad Road, New Delhi.
2. Director, Directorate of Printing, Govt. Of India, Ministry of Housing and Urban Affairs, Nirman Bhawan, Moulana Azad Road, New Delhi.
3. Officer In-Charge, Govt. of India Text Book Press, Mancheswar Railway Colony, Chandrasekharpur, Bhubaneswar.
4. Officer In-Charge, Govt. of India Press, Temple Street, Kolkata.

...Respondents

5. OA No. 317/2021

1. Government of India Press Worker's Association, Nilokheri, District Karnal through its President, Mr. Ram Pal, S/o Ved Parkash, aged 48 years, R/o G-3, Old Press Colony, Nilokheri, District Karnal, Haryana – 132117.
2. Mohan Lal S/o Sh. Govind Ram, aged 54 years, working as Binder at Government Press, Nilokheri, Karnal, Haryana – 132117

(Group – C)

... .. Applicants

Versus

1. Union Of India



- through its Secretary to Government of India,
Ministry of Housing and Urban Affairs,
Nirman Bhawan,
New Delhi 110001
2. Director of Printing,
Directorate of Printing,
B-Wing, Nirman Bhawan,
New Delhi – 110001
 3. The Manager,
Government of India Press,
Nilokheri,
District Karnal, Haryana – 132117

...respondents

6. OA No. 2102/2020

1. Government of India Press Workers' Association,
Represented by its General Secretary,
Regn. No. 3826/Madras/18.3.65
No.8/13, Press Colony,
Coimbatore 641019
2. G. Sakthivel
S/o S. Ganesan
Aged about 47 years
Working as Binder
Government Press
Coimbatore
Residing at –
No. 14, J.P. Nagar,
Press Colony,
Coimbatore 641014
3. G. Chandrasekaran
S/o. P. Govindan,
Aged about 56 years
Working at Assistant Binder
Government Press
Coimbatore,
Residing at-
Door No. 4, Sriram Garden,
No. 4, Veerapandiapur



Press Colony Post
Coimbatore 641019

... ..**Applicants**

-Vrs-

1. Union of India,
Represented by its Secretary,
Ministry of Housing and Urban Affairs,
'C' Wing, Nirman Bhawan,
New Delhi 110108
2. The Director
Directorate of Printing (Headquarters)
Government of India,
Ministry of Housing and Urban Affairs
Maulana Azad Road
New Delhi 110011
3. The Manager,
Government of India Press,
Press Colony Post
Coimbatore 641019
4. The Protem Manager
Government of India Press,
Press Colony,
Coimbatore 641019

(Counsel for applicants in their respective OAs: Mr. Hrundanda Mohapatra, Mr. J.K. Lenka, Mr. A Kanengo, Mr. D. K. Mohenty, Mr. Balan Haridos and Mr. D. R. Sharma)

(counsel for respondents in respective OAs: Mr. G. S. Virk and Mr. Subhash Gosai)

...respondents



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The Government of India established units of Printing Press, across the country at various places. One such unit was at Bhubaneswar. Over the Period, the nature of work of Printing on the one hand and the technology of Printing, on the other hand, has undergone a phenomenal change. Efforts were being made to rationalize the entire structure for the past about two decades. An order was passed on 11.12.2017 directing merger of Printing Press at Bhubaneswar with the one, at Kolkata. Some units of Printing Press at other places were also directed to be merged. Consequent upon the merger of the Printing Press at Bhubaneswar with the one at Kolkata, orders of re-deployment of existing employees were also issued.

2. In this batch of OAs, the applicants challenge the very merger as well as the consequential re-deployment. They contend that the proposal was initiated way back in the year 2002 and invariably the suggestions or recommendations were either to modernize the unit and not to close the unit or to merge with the one at, other places. It is also stated that in the recent past, a Committee constituted in this behalf did not favour the merger of the Printing Press, Bhubaneswar with any other, and despite that, the impugned order dated 11.12.2017 was passed.



3. The applicants contend that the decision was not taken in accordance with law in as much as the approval of the President was not obtained in the manner, provided under Article 77 of the Constitution of India. Various other contentions were also urged.

4. As regards the re-deployment, it is stated that the respondents did not act objectively and while seniors were retained in the same place, many, with minimum left over service were re-deployed and thereby serious hardship was caused.

5. Initially the OAs were filed before the Cuttack Bench of the Tribunal and on the application filed by the respondents, they were transferred to Principal Bench.

6. Respondents filed a detailed counter affidavits in the respective OAs. They took exception to the challenge to the merger of the Printing Press. It is stated that the Government has every right to arrange its affairs, and the merger was ordered by taking into account all the relevant factors. It is also stated that the interests of the employees are protected and no prejudice or injustice can be said to have been caused to the applicants.

7. Today we heard Mr. Hrundanda Mohapatra, Mr. J.K. Lenka, Mr. A Kanengo, Mr. D. K. Mohenty, Mr. Balan Haridos and Mr. D. R. Sharma, learned counsel for the applicants in respective OAs and Mr. G. S. Virk & Mr. Subhash Gosai, learned counsel for the respondents.

8. In this batch of OAs, the challenge is to the order dated 11.12.2017 and other connected orders relating to the merger on the



one hand and the orders of re-deployment of the employees to the unit at Kolkata, on the other hand.

9. So far as the first aspect is concerned, several contentions on the facts and law are urged. However, we desist from addressing the same on account of the fact that the Tribunal does not have jurisdiction to decide the legality or otherwise of the administrative decision taken by the Government for merger of Printing Press at Bhubaneswar with the one, at Kolkata. It is only a Constitutional Court, that can address the issue and we do not intend to deal with the aspect at all.

10. Coming to the issue of re-deployment, this is not a case in which it is done, in the ordinary course. The Bhubaneswar unit, in its entirety, stood merged with the Kolkata unit. Naturally, the employees would have to be shifted to that unit or to some other viable or working unit. Quite large number of employees have already joined the Kolkata unit. The applicants expressed their personal grievance such as their left over service being very less or their families being put to hardship in case they are shifted to Kolkata. We would have certainly considered the feasibility of retaining any one of them, but for the fact that it is only the skeleton staff, that is retained at Bhubaneswar, for the exclusive purpose of winding up of the establishment, and not for any functional purpose. In case the applicants have any grievance, they can certainly put forward the same before the administration after they report to duty at Kolkata.



There is no reason to believe that the administration would not address those issues.

11. We, therefore, dispose of the OA:

(a) declining to interfere with the order dated 11.12.2017 and other connected proceedings relating to merger of Printing Press at Bhubaneswar with Kolkata for want of jurisdiction;

(b) directing that it shall be open to the applicants to report to duty to the Printing Press at Kolkata and then to make a representation as regards their grievances.

(c) in case such representations are made after joining the duty, the concerned authority shall pass the appropriate orders within a period of four weeks from the date of receipt of copy of this order.

And

(d) in case any salary for the period during which the applicant worked remains unpaid, it shall be released within four weeks.

12. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Sd/lg/anvit/deeksha