

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH ALLAHABAD

O.A.No. 482/92

K.C.Tiwari and others..... Appellants

Versus

Union of India and others.. Respondents

Hon'ble Mr. Justice S.K.Dhaon, V.C.

(By Hon'ble Mr. Justice S.K.Dhaon, V.C.)

The applicants, it is alleged, are holding different posts in the Carpet Weaving Training Centre at Samadganj, District Jaunpur. They are aggrieved by the orders dated 31.1.92 passed by the Deputy Director to the effect that consequent upon shifting of the said centre from Samadganj to a place in Madhya Pradesh, the applicants too shall stand transferred. The orders dated 31.1.92 are being impugned in this application.

2. Reliance is placed on certain alleged guide lines which are contained in Annexure A-4 to this application. Para 5 of the said guide lines is the sheet anchor of the applicant's case. According to it, no centre should normally function in one place for more than 5 consecutive sessions. The centre should be shifted to a new place along with the staff and the equipments.

3. Two submissions have been made on the basis of the aforesaid guide lines. The first

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is that, in a normal situation, the centre itself should not be shifted before the expiry of period of 5 years from the date of its establishment.

(Admittedly in the instant case a period of 5 years has not expired.) The second is that the equipments should also be transferred with the centre and its staff.

4. The other argument is that the shifting of the centre is taking place in the teeth of an interim order passed by the District Judge in an appeal preferred by the Gaon Sabha and others.

5. A counter affidavit has been filed on behalf of the respondents. In it, the material averments are these. The terms and conditions of the service of Carpet Training officers and store keepers etc. lay down that the posts are transferable throughout India. Therefore, the applicants are liable to be transferred to any part of the country. In the alleged policy decision there is no minimum period prescribed during which the centre can^{not} be shifted at any time after its establishment. The centre was shifted on 20.3.92 whereas the District Judge passed an order of injunction restraining the shifting of the centre on 23.3.92. The centre has been shifted in public interest.

6. On behalf of the applicant it is asserted

that the District Judge passed yet another order

on 26.5.1992 restraining the shifting of the centre.

(b) Learned/counsel for the applicant has stated at the Bar that the applicant will be satisfied if it is made clear that the applicants would be deemed to have been transferred only when the centre has been shifted or is likely to be shifted. The orders dated 31.5.92 are clear. The transfer of the applicants and others is dependent upon the shifting of the centre. In other words, the condition precedent to the transfer of the applicants is shifting of the centre. Orders dated 31.5.92 do not contemplate the transfer simplicitor of the applicants. The transfer is dependent upon shifting of the centre.

7. The respondents are directed not to transfer the applicants without shifting the centre.

8. With these directions this application disposed of finally.

Dated : Allahabad
23rd June, 1992

S. C.
V.C.

(AR)