

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: THIS THE 01st DAY OF SEPTEMBER 2005.

Original Application No. 940 of 2002.

HON.MR.K.B.S.RAJAN, MEMBER (J)

Iqbal Khan, S/o Sri Jahur Khan,
R/o Village Sikri Dohissa,
Post Office Fatehpur Sikri,
Distt: Agra.

.. Applicants

By Adv: Shri S. Dwivedi

V E R S U S

1. Union of India through the Secretary,
Ministry of Human Resources Development,
Department of Culture,
Govt. of India,
NEW DELHI.
2. The Director General,
Archaeological Survey of India, Janpath,
NEW DELHI.
3. The Superintending Archaeologist,
Archaeological Survey of India, Agra Circle,
22 Mall Road,
AGRA.

.....Respondents

By Adv: Shri A. Dwivedi

O R D E R

The applicant, who was accorded temporary status under scheme framed w.e.f. 01.09.1993, was subjected to transfer from Agra to Mathura. This was agitated by him vide OA No. 278 of 2002 which was disposed of with the direction to the applicant



to submit a suitable representation before the Director General Archaeological Survey of India, New Delhi, and that in the event of representation being made, the latter shall dispose of the same.

2. Accordingly, the applicant had preferred a representation dated 20-03-2002 which was received on 26.4.2002 and the respondents had considered the same and by order dated 13.5.2002 rejected the representation on the basis of certain DOPT guidelines. It has been stated in the reply to the representation that SA Agra had informed that Sri Iqbal Khan (the applicant) is a resident of Fatehpur Sikri and his present posting at Mathura where the work is available (emphasis supplied) is nearer to his place of residence. It has been stated that the applicant is a temporary status employee and not a work charged or regular Group 'D' employee and is governed by the relevant instructions issued by the DOPT. As per para 4 (iii) of the scheme for granting temporary status vide DOPT guidelines dated 19.9.1993, he may be deployed any where within the recruitment unit/territorial circle on the basis of availability of work.

3. Heard learned counsel for the parties. Admittedly, the applicant enjoys only temporary status and the department has considered his case

[Signature]

and indeed showed lenience by posting him at Mathura which is nearer to his place of residence and where the work is available. The applicant cant have any grievance in this regard, as no discrimination or infringement of any fundamental right has been specified in the OA, much less substantiated. As such, I do not find any legal infirmity in the decision arrived by the respondents in rejecting the representation of the applicant.

4. In view of the above, the OA being devoid of merits, merits only dismissal and I order accordingly. No costs.


Member (J)

/pc/