

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 01st day of September 2004.

Original Application no. 1405 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman

Than Singh, S/o Sri Puran Chand,
R/o Vill and Post Tehra,
Distt. Agra.

... Applicant

By Adv : Sri S. Dwivedi

V E R S U S

1. Union of India through the Secretary,
Ministry of Human Resources Development
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.
4. The Conservation Assistant,
Archaeological Survey of India, Agra Fort,
Agra.

... Respondents

By Adv : Sri S.K. Anwar

O R D E R

Hon'ble Mr. Justice S.R. Singh, VC.

Heard Sri S. Dwivedi, learned counsel for the
applicant and Sri S.K. Anwar, learned counsel for the
respondents.

2. The applicant was appointed as Monument Attendant in the pay scale of Rs. 2550-55-2660-60-3200 vide order dated 28.5.2003 and was required to join his duty at Agra Fort (until further orders). Pursuant to the said order, the applicant joined his duty at Agra Fort. Earlier while the applicant was working as Temporary Status Monument Attendant at Agra Fort, he was sought to be temporarily transferred to Rudranath Temple, Gopeshwar, Distt. Chamauli for certain repair works. It appears that the applicant filed an OA against the said order. In para 5 of which it was stated that the Supdt. Archaeological Survey of India, Agra Circle, Agra by its order dated 11.09.2002 sought to transfer the applicant from Agra to Chamauli (Uttaranchal) ^{on ✓} ~~and~~ misreading of the averments made in para 5 of the OA filed against the order dated 11.09.2002. The conservative Assistant of Archaeological Survey of India, Agra Fort Agra by its memorandum dated 06.11.2003 asked the applicant to join his duty at Gopeshwar at Distt. Chamauli. the OM dated 6.11.2003 (Ann A1) reads as under :-

दिनांक 06. 11. 03

कायुलिय ज्ञापन

श्री थानसिंह स्मारक परिवर को अवगत किया जाता है कि माननीय न्यायालय में आपने स्वयं को गोपेश्वर, जिला चमोली में स्थानांतरित बताया है, जबकि आप इस समय आगरा किला में इयूटी कर रहे हैं।

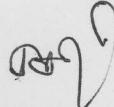
अतः श्रीमान् अधीक्षण पुरातत्वविद् महोदय के आदेशानुसार आप गोपेश्वर, जिला-चमोली ~~उत्तरांचल~~ में अपनी इयूटी पर उपस्थित हों तथा वहीं से अपना वेतन प्राप्त करें।

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अवदीय

3. Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case I am of the view that the applicant was never transferred to Gopeshwar, Distt. Chamauli and Sri S.K. Anwar, learned counsel for the respondents also stated at bar that by order dated 11.09.2002 certain Mounments Attendent of Temporary Status were only required to go to Gopeshwar, Distt. Chamauli for repairing work of Temple and was not the case of permanent transfer. That a part, the appointment order dated 28.5.2003 clearly indicates that the applicant has been appointed as Mounment Attendent at Agra Fort. In the circumstances he cannot be transferred to Gopeshwar, Distt. Chamauli, which is in the State of Uttranchal. The order dated 06.11.2003 cannot be sustained.

4. Accordingly the OA succeeds and is allowed. The impugned order is set aside. There shall be no order as to costs.


Vice-Chairman

/pc/