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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 126 of 1986
T.A. No.

DATE OF DECISION 29.10.'86

SHRI C. N. GURJAR Petitioner

SHRI D. M. THAKKAR Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. (W.RLY.) Respondent

SHRI M. N. UDANI Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. TRIVEDI Vice Chairman

The Hon'ble Mr. P. M. JOSHI Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

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O.A. No. 126/86

Per: Hon'ble Shri P. H. Trivedi, Vice Chairman

JUDGMENT

In this case, the applicant, Shri C.N.Gurjar, who is Senior Fuel Inspector in the pay scale of Rs. 840-1040, at Rajkot, is being shifted to the post of a Clerk having been rendered surplus, due to the posting of one Shri Homi D., a senior Fuel Inspector, although this Shri Homi D. had earlier opted for the line of Power Controllers for which options were called and he was accordingly promoted to the post of C.P.C.R. The respondents have admitted that options were so called and Shri Homi had opted for a line of Power Controllers, but have taken the stand that the option was asked for the limited purpose of regularising promotion against the posts of Junior Fuel Inspector/Loco Inspector/Chief Power Controller, which were non selection posts on 21.2.'78, while prior to that date they were selection posts, and such options were called from only Power Controllers and not from Fuel Inspectors and there is no bar promoting Power Controllers to the line of Fuel Controllers merely on account of such option having been called. In this case, the respondents have explained that the applicant has been rendered surplus because of his being juniormost, due to the fact that the posting of one Shri Dayaram as Senior Fuel Inspector, Rajkot, could not be brought about because of his not being eligible for the post of Senior Fuel Inspector.

2. After perusing the documents and hearing the learned advocates, we are constrained to observe that in this case the administration of the respondents is

creating problems for itself and making confusion worse confounded by not firmly, consistently and uniformly applying its policies regarding structures of its services and adopting contradictory principles in lines of promotion due to fluctuating stands taken before the Unions and compromising its stand by tailoring it to changing exigencies and to individual problems. There can be no objection to transferring any officer from one station to another if there is a ground in public interest to do so. There can also be no objection to adopting a firm policy regarding transfer of various officers in the same pay scale even though designations attached to various posts in the same pay scale may differ, provided all such posts form part of the same cadre or service. In this case, however, the respondents have admitted that they have offered options and accordingly respondent no. 5, Shri Homi has opted for a line of Power Controllers. Having done that and received promotion as C.P.C.R., there is no reason why he should be brought back to the line of Fuel Controllers and as a result if problems are created there is no reason why the applicant has to suffer a change of station. In this case, the respondent have taken the ground that Shri Dayaram could not be posted at Rajkot, because of certain difficulties regarding his eligibility. Be that as it may, there is no reason why Shri Homi should be brought from another line. We, however, would urge upon the respondent to first work out the seniority position of the applicant in the line of Power Controllers and to ascertain

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whether it is necessary to take the Fuel Inspectors or Power Controllers at Rajkot for the present purpose. Attempts should be made to fill up posts where vacancies arise and where posts are needed, and such transfers as are purely consequential should be minimised as far as possible. There is no reason why public interest and exchequer should suffer due to a long line of transfers having to be evolved merely because a post is to be filled up somewhere and administration has to get bogged down in respect of categorising specific posts as having to be filled by senior people only. If these are simple orders of transfer no objection can be taken to them and if the applicant is transferred on that basis, he need have no grievance. On account of the ground taken by the respondent, we are constrained to find that the application has merit and we direct that the impugned orders of transfer of the applicant be quashed and set aside. No order as to costs.

P. H. Trivedi
(P. H. TRIVEDI)
Vice Chairman

P. M. Joshi
(P. M. JOSHI)
Judicial Member