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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A.559/88 & O.A.560/88

Shri Thomas Jacob,
Flat No.1335,
Building No.36,
Sector 7, S.M. Plot,
Antop Hill,
BOMBAY-400 037.

.. Applicant in
O.A.559/88

Shri S.P. Rao,
78/D, CGS Quarters,
Wadala,
BOMBAY-400031.

.. Applicant in
O.A.560/88

vs.

1. Secretary,
Government of India,
Ministry of Defence,
New Delhi.
2. Director General of Quality
Assurance,
Raksha Utpadan & Apoorvi Vibhag,
(DGQA) Quality Assurance Mahanideshalaya
DHQ Dak Ghar,
New Delhi - 110 011.
3. Director of Quality Assurance (S),
Quality Assurance Mahanideshalaya,
DHQ Dak Ghar,
New Delhi - 110 011.
4. Senior Quality Assurance Officer,
Senior Quality Assurance Establishment
General Stores) DGQA Complex,
LBS Marg, Vikhroli,
BOMBAY - 400 083.

.. Respondents

Coram : Hon'ble Member(A) Shri P. Srinivasan
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances :

1. Shri S.R. Deshpande,
Advocate for the
Applicants.
2. Shri S.R. Atre,
Advocate (for
Shri P.M. Pradhan),
for the Respondents.

ORAL JUDGMENT

Dated : 30-8-1988.

(Per M.B. Mujumdar, Member(J))

Heard Shri S.R. Deshpande, learned advocate for the applicants and
Shri S.R. Atre (for Shri P.M. Pradhan) learned advocate for the respondents.

2. On 20th July, 1988 when the cases had come up before one of us sitting as a Single Member Bench (M.B. Mujumdar) the request of the applicants for interim relief was rejected and the cases were directed to be fixed for admission before a Division Bench.

3. By an order dtd. 11-5-1988 the Director General Quality Assurance (Stores), Delhi, has effected transfers of 143 officials from the department. Out of them 78 are Junior Scientific Assistants, Grade-I. By that order both the applicants, viz., Thomas Jacob (applicant in O.A.559/88) and S.P. Rao (applicant in O.A.560/88) were transferred from Bombay to Kanpur. Jacob has joined his posting at Kanpur. However S.P. Rao is on medical leave from 18-8-1988. We may point out that the movement order in his case was issued on 19-8-1988. We are informed on behalf of the respondents that his name is struck off from the Bombay office on 20-8-1988.

4. Jacob was appointed as Supervisor (Technical) Gr.III in Bombay Office and since 1977 he is working as Jr. Scientific Assistant Gr.I in Bombay itself. As regards S.P. Rao, he was appointed as a Supervisor (Technical) Gr.III in Bombay in 1963 and since 1967 he is working in Bombay as Jr. Scientific Assistant Gr.I.

5. Shri Deshpande, the learned advocate for the applicants, submitted that both the applicants were holding Class.III posts and their transfers are not according to the guidelines issued by the department on 7-3-1988. In para 7 of the order passed on 20th July, 1988 it is pointed out how the transfers of the applicants are not contrary to the guidelines. To repeat, we may point out that S.P. Rao is considered by the DPC for the higher post of Senior Scientific Assistant. We are told that he is in the selection list. Guideline No.vi, on which Shri Deshpande relied says that a person who is under consideration of the DPC for promotion to the next higher grade may be considered for transfer only after the DPC results are known or if there is a possibility of that person getting promotion in the new station. In our opinion this guideline does not come in the way of the respondents in transferring S.P. Rao. Probably there will be some breach if the respondents

find it difficult to promote him at Kanpur after he takes over there. It is difficult to hold that the transfer of the applicants is contrary to any rules or guidelines issued by the department. Hence we find no merit in the applications.

6. We, therefore, reject both the applications summarily under Section 19(3) of the Administrative Tribunals Act. We however hope that the respondents will take into consideration guideline No.vi in the letter dtd. 7th March, 1988 from the Under Secretary to the Government of India as and when Shri S.P. Rao becomes due for promotion after he takes over at Kanpur.

7. No order as to costs.



(P. SRINIVASAN)
MEMBER(A)



(M.B. MUJUMDAR)
MEMBER(J)