

24/5

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 268/96

Transfer Application No.

Date of Decision 15.10.96

S.B.Patel

Petitioner/s

Mr. R.S.Mohite

Advocate for
the Petitioners

Versus

U.T.of Dadra & Nagar Haveli

Respondent/s

Mr. V.S.Masurkar

Advocate for
the Respondents

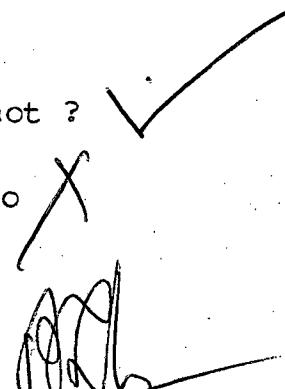
CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P.SRIVASTAVA)

MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 268/96

Tuesday this the 15th day of October 1996

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

Suresh B. Patel
Deputy Engineer(Civil),
R.No. E-6, Govt. Multistorey
Building, Silvassa, Dadra & Nagar
Haveli.

By Advocate Mr.R.S.Mohite

... Applicant

V/S.

The Union Territory of
Dadra & Nagar Haveli, through
its Administrator having its
Office at Silvassa, Dadra & Nagar
Haveli.

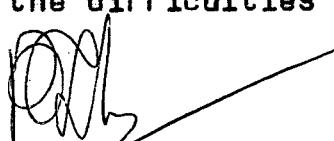
By Advocate Mr. V.S.Masurkar
C.G.S.C.

... Respondents

O R D E R

(Per: Shri P.P.Srivastava, Member (A))

The applicant is working as a Deputy Engineer under the Deputy Conservator of Forests. He has been transferred from Forest Department to PWD.Div. No.III, Irrigation vide order dated 18.3.1996 which is placed at 'Annexure-'A-1'. The transfer order reads as under :- "Shri Suresh B. Patel, Deputy Engineer is transferred from Forest Department to PWD.Div.No.III, Irrigation. He will work under UDA, However, will draw his salary from PWD.Div.III (Irri)." Since the place of posting is the same, the difficulties which arise from transfer from one



station to another station was not the point of representation in this case. The applicant has brought out that he has not been given any post as there are only four sanctioned post and although he has requested that he should be posted ^{and he will do} against any one of the sanctioned post/whatever work is entrusted to him in the public interest.

2. Respondents have brought out in their affidavit dated 8.7.1996 that there are 4 sanctioned posts of Deputy Engineers/Asst. Surveyor of Works, namely,

- i) Dy.Engineer, Sub-Division-I
- ii) Dy.Engineer, Sub-Division-II
- iii) Dy.Engineer, Sub-Division-III(Water Supply)
- iv) Asstt.Surveyor of Works.

The respondent administration in their affidavit dated 8.7.1996 has also mentioned that Shri S.B.Patel the applicant in this case is transferred to Urban Development Agency with a direction to debit his salary against the post of Dy.Engineer(Irrigation) from which Shri H.P.Vora, Dy.Engineer was drawing his salary. It is seen from the affidavit that H.P.Vora was drawing his salary against the post of Dy.Engineer, Sub-Division-I (Irri.). Since the only grievance of the applicant is that he should be posted ^{new posted against} ~~sanctioned~~ against a post and as he has been ~~one~~ irrigation post as brought out in the affidavit, he cannot have any grievance against the transfer as Deputy Engineer Sub-Division-I (Irrigation).



3. The duty-list for the post can be drawn by the respondent Administration in the public interest for the public ^{good} and if in the duty-list the applicant is asked to work in the Urban Development Agency also, no exception can be taken against this order.

4. It is seen that the order dated 18.3.1996 did not specifically mentioned the post on which the applicant would be posted and since now it has been clarified that he is posted against the post of Deputy Engineer Sub-Division-I in the affidavit dated 8.7.1996, no direction need be issued now by the Tribunal. As has already been mentioned the respondent administration would be at liberty to draw the duty-list for the post in the public interest and for public ^{good}. However, it is directed that it should be done in writing so that the duties assigned to the post are unambiguously clear. The OA. is disposed of with the above directions. There will be no order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)

mrj: