

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 478 /1996

Date of Decision: 23/8/96

S.P.Rai

Petitioner/s

Shri I.J.Naik along with
Shri M.S.Ramamurthy

Advocate for the
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

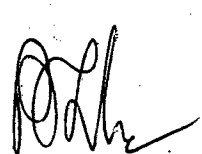
Advocate for the
Respondent/s

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)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO. 478/96

this the 23rd day of August 1996

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

S.P.Rai
The Dy. Director of Agriculture,
Administration of Daman & Diu,
Fort Area, P.O.: Moti Daman,
Pin Code No. 396220.

By Advocate Shri I.J.Naik
along with Shri M.S.Ramamurthy ... Applicant

V/S.

1. Union of India, through:
The Secretary, Ministry of
Home Affairs, Central Secretariat
North Block, New Delhi.
2. The Administrator,
Administration of U.T. of
Daman & Diu,
Administrator's Secretariat,
P.O.: Moti Daman - 396 220.
3. Shri Mohan Lal,
Zonal Agriculture Officer,
At Diu.

By Advocate Shri V.S.Masurkar ... Respondents
C.G.S.C.

O R D E R

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

By this OA. the applicant is challenging the order dated 14.5.1996 placed at Annexure-'A-1' by which the applicant has been transferred from the post of Deputy Director of Agriculture, Daman to the post of Deputy Director of Horticulture, Daman.

2. The applicant has submitted that he was working as Deputy Director of Agriculture and has been asked to work as Deputy Director of Horticulture which is a post of lesser status and responsibility and the post of Deputy Director of Agriculture has been given to a junior person, i.e. Shri Mohan Lal


who is only Zonal Agriculture Officer. The counsel for the applicant has argued that this order has been issued on account of malice on the part of the Respondent No. 2, i.e. The Administrator of U.T. of Daman & Diu. The counsel for the applicant has argued that since the status of the applicant has been brought down, this order is against the principles of natural justice as he has not been given any opportunity before passing this order.

3. Counsel for the respondents has submitted that the order dated 14.5.1996 has been issued with a view to streamlining the working and the post of Deputy Director Horticulture has been created for efficient working in administrative branches. The counsel for the respondents has also argued that the applicant's status remains the same and he remains to be Deputy Director and his Head quarter has also not been shifted. As far as the question of malafide is concerned, no specific grounds have been brought out against the ~~concerned officer~~ ^{administration}. Therefore the plea of malafide cannot be entertained. The counsel for the respondents also brought to my notice the ^{dtd.} order 17.6.1996 by which the distribution of work between Deputy Director Agriculture and Deputy Director Horticulture is made. According to this order in Para 4 the Director (Agriculture) would be the Head of the Office and Drawing and Disbursing Officer for the Directorate of Agriculture.



Thus, the counsel for the respondents has argued that the applicant is neither reduced in rank or status nor the pay scale is changed and no prejudice has been caused to the applicant by this bifurcation.

4. After hearing both the parties and considering the material on record, I am of the opinion that the applicant has not made out any case for ^{by the tribunal} intervention ~~on my part~~. Since his designation continues to be Deputy Director and his pay has not been reduced, therefore, the applicant cannot have any objection in this order concerning his reduction of his status. In view of the fact that the applicant continues to be designated as Deputy Director, there cannot be any ground for the submission that there is reduction in the status of the applicant. Although the applicant has mentioned the word 'malafide' against the department, nothing has been brought out to show malafide and on this plea also in the case, I see, therefore, no reason to interfere with the order dated 14.5.1996. The OA. is, therefore, without merit and is dismissed. There will be no order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)

mrj.