

C. A. T. Bench, JAIPUR

Date of Order	Orders O.A. No. 665/93
26.11.93	<p>Mr. J. K. Kaushik - counsel for applicant.</p> <p>Heard, the learned counsel for the applicant. The applicant was transferred ^{from} the workshop at Ajmer, vide Annex A-2 dated 19th ^{Nov.} 92 and he submitted a representation. So far he has not complied the xx order dated 19.11.92 and he is on leave since July 93. He has invited our attention to Annex A-4 dated 22.7.93 where he has been shown at Ajmer.</p> <p>We have gone through this order relating to the punishment imposed and the supersession on account of punishment. Applicant might have been shown at Ajmer, because the disciplinary proceeding was in relation to the matter relating to Ajmer.</p> <p>Ordinarily, at the time of absorption, the consideration should be seniority and merit. The staff which has been punished and work has not improved even thereafter should be shunted out and meritorious ^{staff} should be retained. This should be the policy ordinarily and the seniority may be one of important consideration for retention but the inefficiency and punishment of the surplus staff may ^{be} one of the disqualification for retention in employment also.</p> <p>The learned counsel for the applicant has invited our attention to Annex A-7 and submitted that the Workshop at Ranapratap Nagar is being closed and he will have to be absorbed again and may have to be transferred may be on account of one reason or other. He is having two options one to comply with the order, xx secondly in case he does not want to comply the order he should seek legal recourse, if available. This is not a case where we should interfere. The petition is rejected.</p> <p style="text-align: right;"><i>[Signature]</i></p> <p style="text-align: right;">(P. P. Srivastava) Member (A)</p> <p style="text-align: right;">(D. L. Mehta) Vice Chairman.</p> <p style="text-align: center;">Case sent to the App. Comm. and L. (M.R) on 13/12/93</p> <p style="text-align: center;"><i>[Signature]</i></p>