

J A I P U R.

O.A. No. 713/93

Date of decision: 17.3.94

K.S. YADAV

: Applicant

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. J.K. Kaushik

: Counsel for the applicant.

Mr. P. Balwada

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Mr. K.S. Yadav, Scientific Assistant 'B' of ETDC, Jaipur was transferred as Scientific Assistant 'B' to ERTL(W), Bombay alongwith the post. There is no dispute that the post of Scientific Assistant 'B' Grade is now available in ERTL(W), Bombay. The mistake was committed by the authorities that Shri Chetram Meena, Scientific Assistant 'A' of ERTL(W), Bombay was transferred to ETDC, Jaipur alongwith the post. The authorities are not competent to transfer Chetram Meena alongwith the post because the creation of the post was not <sup>the</sup> function of the authority issuing the order. This practice should be stopped.

2. Now the second question is that Chetram Meena has also been promoted as Scientific Assistant 'B' vide Order dated 1.10.93 (Annexure A-15) and his posting has been shown as Scientific Assistant 'B', ERTL(West). In fact, Mr. Meena has joined the organisation and has been working as Scientific Assistant 'B' at Jaipur.

3. If any mistake has been committed by the authorities in respect of transfer of Mr. Meena, the applicant cannot get any advantage. Even now, the mistake gets rectified as he has already been promoted on the post of Scientific Assistant 'B'.

(5)

4. In such circumstances, the question does not arise of disturbing any order passed in favour of Chetram Meena. As far as the applicant is concerned, he has been working at Jaipur since 1986 and transfer in 1993 and now asking him to join in 1994 will not be against the public policy.

5. Taking into consideration all the facts of the case, I will not like to disturb the transfer order of the applicant dated 13.7.93 and he can now join as Scientific Assistant Grade 'B' at Bombay where he has been transferred and the respondents will be at liberty to relieve him immediately.

6. The O.A. is disposed of accordingly, with no order as to costs.

  
D.L. MEHTA  
Vice-Chairman