

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

OA/291/00311/2015

Date of Order: 18.04.2016

**Coram**

**Hon'ble Ms. Meenakshi Hooja, Member (A)**

S.S.H. Rizvi S/o S.A.H. Rizvi aged about 45 years resident of 1/251, Van Vihar Housing Board Colony, Delhi Bye Pass, Jaipur at present working PSK Jaipur as UDC.

.....Applicant

(By Advocate Mr. Salim Khan Proxy Counsel for Mr. Tanveer Ahmed, Counsel for applicant.)

**VERSUS**

1. Union of India through Secretary, Ministry of External Affairs, Patiala House Tilak Marg, New Delhi.
2. The Passport Officer, Regional Passport Office, J- 14, Jhalana Institutional Area, Jhalana Doongri, Jaipur.
3. Deputy Passport Officer (Admin), Regional Passport Office, J-14, Jhalana Institutional Area, Jhalana Doongri, Jaipur

.....Respondents

(By Advocate Mr. Rajendra Vaish)

**ORDER**

This OA has been filed by the applicant u/s 19 of the Administrative Tribunals Act, 1985 seeking order or direction to quash and set aside the order dated May 21, 2015 (Annexure A/1) and hold the inaction/omission of the Respondents as arbitrary in not following the Roster/Rotation Policy while deploying the employees for temporary duty at different Passport Seva Kendra, seeking the following relief:

- (a) By an appropriate order or direction the impugned order dated 21.05.2015 (Annexure A/1) may kindly be quashed and set aside qua the applicant and the inaction/omission of the respondents in not following the Roster/Rotation policy while deploying the employee for temporary duty at different

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Passport Seva Kendra may kindly be held arbitrary and accordingly the respondents may be directed to adopt and implement the Roster-Rotation Policy, while deploying the employee at different Passport Seva Kendra and accordingly the respondents may be directed to send the applicant to Regional Passport Office, Jaipur, instead of PSK Sikar, in the interest of justice.

- (b) Any other relief as the Hon'ble Tribunal may deem just and proper under the fact and circumstances may be granted in favour of the applicant.

2. When the case came up for hearing and consideration today i.e. 18.04.2016, at the outset Ld. Counsel for the Respondent explained that as brought out in the reply that Jaipur Passport Centre has now three Passport Seva Kendras (PSK) at Jaipur, Sikar and Jodhpur to facilitate to issuing of passport to the citizens as part of the Passport Seva Project (P) introduced by the Ministry of External Affairs (MEA) under the National E-governance Plan. The PSK's have started working from 2012 and employees of the Passport Office are sent on rotation basis on temporary duty to the PSK and the period of being sent on to one Kendra is generally not more than two months. He further submitted that before implementing the policy there was a consensus between the authorities and the employees regarding this rotation and deployment policy and an undertaking was also given by them and they were given one extra promotion, and the Department is deputing the officials including the applicant, on the basis of this system.

3. In this context counsel for applicant, while not denying the policy and the setting up of the PSKs, submitted that the authorities are not following their own policy and the applicant is being repeatedly deputed for temporary duty for the past three years while many others are not being assigned the duties and there is discrimination of which he is the victim. In this regard counsel for applicant submitted that as may be seen from Notice

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dated July 24, 2014 (Annexure A/3) the applicant was deputed to PSK- Sikar from 30<sup>th</sup> July, 2014 for a period of two months and again vide order dated July 28, 2014 while his name was retained for duty to PSK Sikar w.e.f. August 04, 2014 but many others were exempted. Then vide order dated October 10, 2014 he was deputed to PSK Jaipur and again vide order dated March 12, 2015 he was deputed to PSK Jaipur and further vide order dated January 02, 2015, he was deputed to PSK Jodhpur (all the orders filed collectively as Annexure A/2). Counsel for applicant further submitted that the applicant has repeatedly been sent to PSK at Jaipur, Sikar and Jodhpur and vide recent order dated May 21, 2015 (Annexure A/1) he was again deputed for temporary duty to PSK Sikar. Counsel for applicant contended that in repeatedly sending the applicant to PSK duties at Sikar, Jaipur and Jodhpur, the Respondents in a malafide manner are violating their own Roster Policies and discriminating against the applicant, because many other employees are not being assigned these rotational temporary duties and therefore prayed for the OA to be allowed.

4. Per contra, counsel for Respondents in this regard submitted that as brought out in the reply and at the outset of the arguments that all the officials are sent to the PSK on rotation basis. The Annexures filed by the applicant clearly show that not only the applicant but many other employees are being sent on rotation basis to the PSKs and no discrimination or malafide is made out. The applicant was sent to Sikar for temporary duty vide order dated July 28, 2014 (Annexure A/4) which is only a partial modification of Notice dated July 24, 2014 (Annexure A/4). Further vide order dated October 10<sup>th</sup> 2014 and March 12, 2015 the applicant has been deputed only to PSK Jaipur and vide order dated January 02, 2015 he has been sent to PSK Jodhpur and recently vide order dated May 21, 2015 he has been sent to PSK Sikar for temporary duty as per policy worked out, therefore there is no discrimination against the applicant. He further submitted that the period of temporary duty of two months assigned vide order dated

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May 21, 2015 to PSK Sikar (Annexure A/1) has already expired and subsequently the applicant came back to Jaipur. After that the applicant was sent to Jodhpur on temporary duty and he returned completing that duty also. Counsel for Respondents further submitted that the rotation orders for temporary duty are being issued in public interest as per the existing policy and as per the consensus evolved and there appears no grounds to accept the contentions of the applicant regarding any discrimination or mala fide and to set aside the order dated May 21, 2015 (Annexure A/1) on that basis or to grant any relief as prayed for by the applicant. On the said basis counsel for Respondents prayed for the dismissal of the OA.

5. Considered the aforesaid contentions and perused the records. It is apparent that the Passport officials are being deputed at various PSK centers on rotation basis as per department policy and the applicant has also been awarded one extra promotion and became UDC on promotion.

6. As far as Notice dated July 24, 2014 (Annexure A/3) is concerned, it is seen that it was proposed to send the applicant, along with other officials at various PSKs and the applicant was to be sent to Sikar and representation were also called for if any employee had any problem, and thereafter order dated 28th July 2014 (Annexure A/4) was issued deputing various officials to PSKs including the applicant to Sikar PSK. There is nothing on record to show that the applicant submitted any representation in this regard after receiving Notice Annexure A/3.

7. As far as order dated October 10, 2014, Jan 02, 2015 and March 12, 2015 (all filed collectively as Annexure A/2) are concerned, it is seen that by order of October 10, 2014 and March 12, 2015, the applicant was sent to PSK Jaipur and by Jan 02, 2015 order to Jodhpur. This also reveals sufficient gaps of time in the deployment of the applicant to different PSKs and two out of

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three temporary duties were in Jaipur PSK itself. Further vide order dated May 21, 2015 the applicant has been deputed to Sikar and as brought out by counsel for Respondents that duty has already been completed by the applicant. The applicant has not brought out anything on record by which it can be accepted that he is being discriminated against or there is violation of the rotation policy.

8. In view of the above analysis, and bearing in view the principles upheld by the Hon'ble Apex Court in a catena of judgements that Courts and Tribunals shall not ordinarily interfere in matters of transfer and posting, unless there is proven malafide, violation of statutory provisions or that the orders have been issued by an authority not competent to do so, and as no such case is made out in the present OA, there is no ground to set aside Annexure A/1 or give any other relief as prayed for in the OA.

Accordingly, the OA is dismissed with no order as to costs.



(MS.MEENAKSHI HOOJA)  
ADMINISTRATIVE MEMBER

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