

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 257 of 1998.

DATE OF DECISION... 18.8.1999.

North Eastern Region Atomic Minerals Workers  
Union and two others.

(PETITIONER(S))

S/Shri J.L.Sarkar, M.Chanda.

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

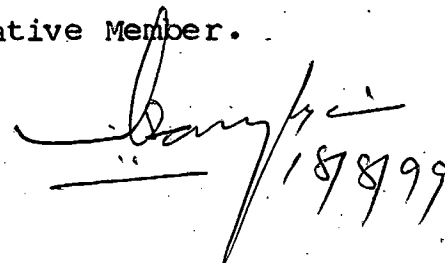
Shri B.C.Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.  
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

  
18/8/99

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 257 of 1998.

Date of Order : This the 18th Day of August, 1999.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

North Eastern Region Atomic Minerals  
Workers Union, affiliated to Regional  
Co-Ordination Committee, A.M.D.Complex,  
P.O. Assam Rifles, Nongmynsong,  
Shillong- 793011 and two others. . . . Applicants.

By Advocate S/Shri J.L.Sarkar, M.Chanda.

- Versus -

1. Union of India,  
through the Secretary  
to the Government of India,  
Department of Atomic Energy,  
Mumbai.
2. Shri S.N.Kak,  
Regional Director,  
Government of India,  
Department of Atomic Energy,  
Atomic Minerals Division,  
North Eastern Region,  
Shillong.
3. Shri S.K.Chakraborty,  
Assistant Personnel Officer,  
Government of India,  
Atomic Energy Department,  
Shillong.
4. Chief Administrative and Accounts Officer,  
Government of India,  
Department of Atomic Energy,  
Atomic Minerals Division,  
Hyderabad - 16. . . . Respondents.

By Advocate Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMN.MEMBER,

Applicant No.1 is a registered Union bearing registration No. 79 dated 19.5.1992. It is stated that applicant No.2 is the Assistant Secretary of the Union and the applicant No.3 is the Joint Secretary. Applicants No.2 and 3 were transferred by order dated 3.11.1998, Annexure-2, from Security to Drilling and they were directed to report

to the in-charges concerned with immediate effect. Thereupon on 5.11.1998 the Joint Secretary of the Union submitted a letter, Annexure-3A, to the Regional Director, Atomic Mineral Division, Department of Atomic Energy, Shillong stating that the applicants No.2 and 3 are office bearers of the Union and that their transfer would affect the functioning of the Union and the interest of the members. In such situation he requested to keep the order of transfer in abeyance. On the next date, 6.11.1998, the General Secretary submitted a letter to the Regional Director demanding an immediate positive reply and warning him that failing such reply legal proceeding will be initiated for redressal. No reply was given by the Regional Director and on 11.11.1998 this application was submitted.

2. The contention of the applicant is that the applicant No.2 and No.3 were transferred by the impugned order with mala fide intention on the part of the respondents No.2 and 3. In support of this contention it was stated that the respondents No.2 and 3 had issued the transfer order in order to harass the applicants as they had approached the Tribunal for regularisation of the services of casual workers and for other benefits denied to them. Secondly, the transfer order of applicant No.2 and No.3 was issued with the sole intention to prevent them from carrying on activities of the Union. Moreover, under the scheme of granting temporary status and regularisation of services of casual labourers, the casual labourers are not liable to be transferred out of their recruitment units as long as there is work available in the units. The respondents have contested the application and submitted written statement. According to the respondents the applicant Union is not an Union recognised by the department of Atomic Energy, Government of India. In fact the Union had not even submitted any application for its recognition by

the authorities of the respondents. In these circumstances the respondents cannot take cognizance of the alleged election of the applicants No.2 and 3 as office bearers of the Union as indicated. The respondents also denied the allegation of mala fide made by the applicants. According to the respondents the transfer order was issued in accordance with job requirement and that it is within their power to redeploy the casual workers working under them within the territorial jurisdiction of the North Eastern Region Circle. Mr M.Chanda, learned counsel for the applicants submitted that the respondents cannot take the plea that the Union applicant is not a recognised Union as there have been interactions between the Union and the respondents all along. He also submitted that it is evident from the order of transfer that there are works in the Security Wing for the applicants No.2 and 3.

3. I have heard learned counsel of both sides. I find that applicants No.2 and 3 were transferred and therefore they were individually and personally affected by the order of transfer. They did not however, protest against the order of transfer in their personal capacity. No representation was submitted by them to the competent authority of the respondents to reconsider their transfer. It was only the General Secretary of the Union who submitted letters dated 5.11.1998 and 6.11.1998 to the Regional Director protesting against the order of transfer. The respondents also had not given any reply to the General Secretary before this Original Application was submitted. It is also seen that the applicants in this application had rushed to this Tribunal in haste. I, therefore, dispose of this application with a direction to the respondents to dispose of the representation, dated 5.11.1998, Annexure-3A, insofar as it relates to the applicants No.2 and 3 in their

alleged capacity as office bearers of the Union. An order shall be communicated to the applicants within one month from the date of receipt of this order.

The application is disposed of. No order as to costs.

  
( G.L.SANGLYINE ) 18/8/95  
ADMINISTRATIVE MEMBER