

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI, 5

ORIGINAL APPLICATION NO. 48/2001

..... *Sr. B. A. Pandey* ..... Applicant.

versus

Union of India & Ors ..... Respondents.

For the Applicant(s) *Mr. G. K. Bhattacharya*  
" *G. R. Das*  
*Mrs. M. Devi*

For the Respondents. *C&S* .....

NOTES OF THE REGISTRY

DATE

ORDER

*This application is in form and deposition. Re. SD/ through IPO no. 4219/2 dt. 24.1.01 in H/o D.R. CAP, Guwahati. The application is checked up & found in order. Submitted.*

*by 21/2/01*

*A. K. Jha 22/2/01*

*12-2-2001*

*Service of Notice issued to the respondents vide D. No. 553-557 dt. 15.2.2001.*

*Recd*

Present : Hon'ble Mr. Justice D.N. Chowdhury, vice-Chairman.  
Hon'ble Mr. K.K. Sharma, Member (A)

Heard Mr. Bikram Choudhury, learned counsel for the applicant.

Admit. Call for the records. Issue notice as to why the impugned order bearing No. A-32014/1/99-Estt. dated 19.1.2001 transferring the applicant from RRSL, Guwahati to Weights Measures Unit, New Delhi shall not be suspended during the pendency of this application. Notice returnable by 1.3.2001. In the meantime the operation of the impugned order dated. 19.1.2001 shall remain suspended.

List it on 1.3.2001 for further orders.

*K. Ushar*  
Member

*[Signature]*  
Vice-Chairman

trd

*MS 5/3/01*

1.3.01

Four weeks further time is allowed to the respondents to file written statement. List on 2.4.01 for order.

Interim order 5.2.01 shall continue.

*K. Ushar*  
Member

*[Signature]*  
Vice-Chairman

20.4.48/07/

2.4.2001

Ten days time allowed to the respondents to file written statement. List for orders on 23.4.01.

*CC Sharma*

Member

*[Signature]*

Vice-Chairman

nkm

20.4.01

No written statement 23.4.01

has been filed.

*b*

It has been stated that the written statement ~~has been~~ filed today. The applicant may file rejoinder, if any within 3 weeks from today.

List on 10.5.01 for order.

Interim order shall continue until further order.

*CC Sharma*

Member

*[Signature]*

Vice-Chairman

24.4.2001

W/S submitted by the Respondents No. 1 to 4.

*[Signature]*

pg

11.5.01

List on 5.6.01 to enable the respondents to file written statement.

*CC Sharma*

Member

*[Signature]*

Vice-Chairman

lm

5.6.01

Written statement has already been filed. The case is ready as regards pleadings. The matter may be posted for hearing on 26-6-2001. In the meantime the applicant may file rejoinder within two weeks from today.

*CC Sharma*

Member

*[Signature]*

Vice-Chairman

bb

28.6.2001

W/S has been submitted by the Respondents No. 5.

*[Signature]*

26.6.01

On the request made on behalf of Mr. G.K. Bhattacharjee learned counsel for the applicant case is adjourned to 18.7.01 for hearing.

*CC Sharma*

Member

*[Signature]*

Vice-Chairman

lm

## Notes of the Registry

## Date

## Order of the Tribunal

18.7.2001

On the prayer of Mr G.N. Das, learned counsel for the applicant, the case is adjourned till 30.7.01 for hearing.

*K. C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

nk m

30.7.01

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is dismissed in terms of the order.

No order as to costs.

*K. C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

bb

6.8.2001

Copy of the Judgment has been sent to the Office. for issue of the same to the applicant as well as to the Dr. G.H.S.C. for the Respdr.

*[Signature]*



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No. 48 ..... of 2001

DATE OF DECISION. 30.7.2001.....

Shri B.A.Pandey

PETITIONER(S)

Mr.G.K.Bhattacharyya, Mr.G.N.Das &  
Mr.Nilima Devi.

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Others.

RESPONDENT(S)

Mr. A.Deb Roy, Sr.C.G.S.F.

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE MR. JUSTICE D.N.CHOUDHURY, VICE CHAIRMAN.

THE HON'BLE MR. K.K.SHARMA, ADMINISTRATIVE MEMBER.

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
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 ? ADVOCATE FOR THE

Judgment delivered by Hon'ble Vice-Chairman.

RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE

O.A.No. .... of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?

ADVOCATE FOR THE

to be circulated to the other Benches ?

9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 48 of 2001.

Date of Order : This is the 30th Day of July, 2001.

HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

HON'BLE MR. K.K.SHARMA, ADMINISTRATIVE MEMBER.

Shri B.A. Pandey,  
Son of Shri Ram Dular Pandey,  
Assistant Director,  
(Legal Metrology)  
Regional Reference Standard Laboratory,  
R.K.Mission Road,  
Ulubari, Guwahati - 7. . . . Applicants.

By Advocate Mr.G.K.Bhattacharyya, Mr.G.N.Das &  
Mrs. Nilima Devi.

- Vs -

1. Union of India  
(Represented by the Secretary to the  
Govt. of India, Ministry of Consumer  
Affairs and Public Distribution,  
Department of Consumer Affairs,  
Krishi Bhawan, New Delhi).
2. Director (Legal Metrology)  
Department of Consumer Affairs,  
Krishi Bhawan, New Delhi.
3. Deputy Director,  
Regional Reference Standard Laboratory,  
R.K.Mission Road,  
Ulubari, Guwahati-7.
4. Deputy Director,  
Regional Reference Standard Laboratory,  
Ahmedabad.
5. Shri J.N.Prasapati,  
Metrological Assistant,  
C/O Deputy Director,  
RRSL, R.K.Mission Road,  
Ulubari, Guwahati-7. . . . Respondents.

By Mr.A.Deb Roy, learned Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.) :

By an order dated 17.1.2000, the applicant  
a Metrological Assistant in the Weights and Measures  
Unit, Department of Consumer Affairs, New Delhi was

Contd.. 2

given ad hoc promotion in the newly created post of Assistant Director (Legal Metrology) in the Regional Reference Standard Laboratory at Guwahati for a period of six months with effect from the date he assumes the charge of the post or till the regular incumbent joins, whichever is earlier. The order also indicates that the promotion/posting order of Sri J.N. Prajapati, Metrological Assistant issued vide this Department's order of even number dated 8.10.1999 stood cancelled and Mr. Prajapati continued to work as Metrological Assistant in RRS�, Ahmedabad. Pursuant to the aforementioned order the applicant joined in the post of Assistant Director (Legal Metrology) at Guwahati. The applicant, while was continuing as such the impugned order dated 19.1.2001 was passed, the material part of which is reproduced below :

" Approval of the competent authority in the Department of Consumer Affairs is hereby accorded to adhoc promotion of Shri J.N.Prajapati, Metrological Assistant, RRS�, Ahmedabad against the post of Assistant Director (LM) in the Regional Reference Standard Laboratory at Guwahati for a period of 6 months w.e.f. the date he assumes the charge of the post or till regular incumbent joins, whichever is earlier.

This adhoc appointment will not bestow on Shri Prajapati any claim for regular appointment, seniority or confirmation etc. in the grade of Assistant Director (LM).

Consequent upon joining of Shri Prajapati, Shri B.A.Pandey, Metrological Assistant in RRS�, Guwahati will stand transferred and posted as Metrological Assistant in the Weights & Measures Unit of this Department at New Delhi."

The legitimacy of the said order is assailed in this application as arbitrary and discriminatory.



a

2. Mr.G.N.Das, learned counsel appearing for the applicant has submitted that the impugned order dated 19.1.2001 is parse arbitrary and violative of Article 14 of the Constitution of India, so much so by the impugned order one adhoc was sought to be replaced by another adhoc. The learned counsel for the applicant submitted that by resorting to adhocism, the respondents sought to keep absoluteness <sup>alive</sup> ~~absoluteness~~/. The learned counsel, in support of his contentions, referred to the decision of the Supreme Court in the case of State of Haryana - vs - Piara Singh reported in AIR 1992 SC 2130 secondly of Paragraph 25. Mr.G.N.Das, learned counsel <sup>has</sup> /alternatively submitted that in the event of the contention of the applicant is not upheld, in stead of reverting the applicant to New Delhi the applicant may be accommodated in the present place of posting as Metrological Assistant, as there are three posts of Metrological Assistant in RRSL, Guwahati still lying vacant.

3. Mr.A.Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents upholding the impugned order submitted that the initial adhoc promotion to the applicant was given only when the respondent no.5 Shri J.N.Prejapati, the senior most Metrological Assistant refused the first appointment due to the ailment of his mother. Since his mother expired, the respondent no.5 agreed to accept the adhoc promotion and accordingly posted at Guwahati. The very order of promotion of the applicant itself mentioned about the promotion of Shri J.N.Prejapati, Metrological Assistant, vide order dated 8.10.1999. Due to the reason cited above the said respondent deferred to accept the

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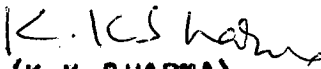
ad hoc promotion.

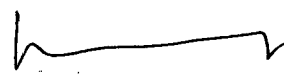
4. In the circumstances, the impugned order of posting Shri J.N.Prajapati as Assistant Director in place of the applicant cannot be faulted. No arbitrariness is discernible. As regards, the other contention of Mr.G.N.Das, learned counsel for the applicant for posting of the applicant at Guwahati, we leave the matter to the concerned Department. It is for the Department to fill the incumbency in the event they feel its necessity.

With this observation, the application is dismissed.

There shall, however, be no order as to costs.

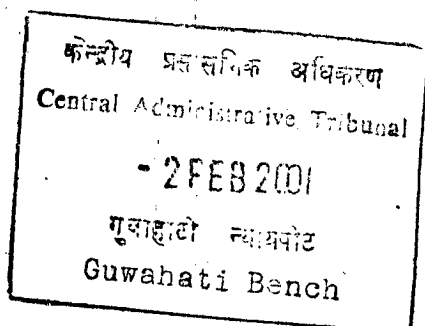
The interim Order dated 5.2.2001 shall stand vacated.

  
(K.K.SHARMA)  
ADMINISTRATIVE MEMBER

  
(D.N.CHOWDHURY)  
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH:

GUWAHATI.



O?A. NO. 48 /2001.

Shri Brahma Anamay Pandey.

..... Applicant.

-Vs-

Union of India and others.

... Respondents.

I N D E X

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Filed by :-

*Scull*  
(GNDas)  
(Advocate).

2/2/2001

*Pandey*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH :

GUWAHATI.

(An application under Section 19 of the Administrative  
Tribunals Act, 1985 ) .

O. A. NO. 48 /2001.

Shri B. A. Pandey

Son of Shri Ram Dular Pandey

Assistant Director

(Legal Metrology )

Regional Reference Standards

Laboratory, R.K. Mission Road ,

Ulubari, Guwahati -7 .

... Applicant .

-Versus-

1. Union of India

(Represented by the Secretary to the  
Govt. of India, Ministry of Consumer  
Affairs and Public Distribution,  
Department of Consumer Affairs ,  
Krishi Bhavan, New Delhi).

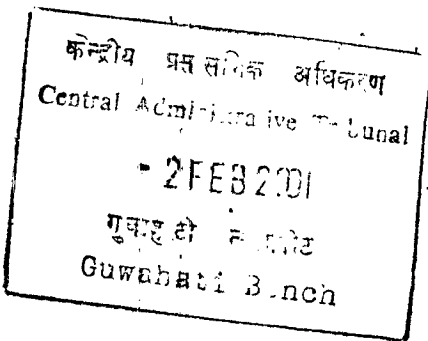
2. Director (Legal Metrology)

Department of Consumer Affairs,  
Krishi Bhavan, New Delhi.

3. Deputy Director

Regional Reference Standards  
Laboratory, R.K. Mission Road ,  
Ulubari, Guwahati-7.

contd...



Filed by:  
Bill  
(Geopriatti, 2001)  
Advocate  
Brahm Ansmay Pandey

2.

4. Deputy Director

Regional Reference Standards  
Laboratory, Ahmedabad .

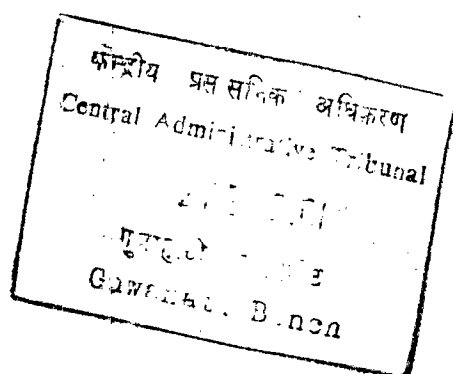
5. Shri J.N.Prajapati

Metrological Assistant

C/o Deputy Director

RRSL, R.K.Mission Road

Ulubari, Guwahati -7.

... Respondents.

**1 : PARTICULARS OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE :-**

I) Order No. A-32014/1/99- Estt dated 19.01.2001 issued by the Respondent No.1 whereby the applicant who has been functioning as the Assistant Director (Legal Metrology) in the Regional Reference Standard Laboratory, (RRSL in short) Guwahati with effect from 21.02.2001 on adhoc promotion has been transferred, on reversion to the post of Metrological Assistant, in the Weights and Measures Unit in New Delhi consequent upon joining of the Respondent No.5 (Shri J.N.Prajapati) as Assistant Director (Legal Metrology) in RRSL, Guwahati also on adhoc promotion.

II) Illegal, arbitrary and malafide transfer order issued by the Respondent No.1 in colourable

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3.

exercise of power attaching stigma impairing the future career of the applicant whereby the applicant, being an adhoc promotee, is being replaced by another adhoc promotee in flagrant contravention of the condition stipulated in the promotion order itself.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

- 2 FEB 2001

गुवाहाटी न्यायपीठ  
Guwahati Bench

## 2 : JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject-matter of the order is within the jurisdiction of this Tribunal .

## 3 : LIMITATION :-

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

## 4 : FACTS OF THE CASE :-

1) That the applicant obtained the M. Sc . degree in Physics in 1983 from Benaras Hindu University (BHU). On 10.09.90 the applicant joined the Department of Consumer Affairs in the Regional Reference Standard Laboratory, Bhubaneswar (Orissa ) as Metrological Assistant after being duly selected by the U.P.S.C.

2) That, thereafter, the applicant was transferred and posted to the Weights and Measures Unit ,

contd...

*Handwritten signature*

- 2 FEB 2001

4.

गुवाहाटी न्यायाधीश  
Guwahati Bench

Department of Consumer Affairs, New Delhi as Metrological Assistant and he joined as such in New Delhi on 27.07.98 . Since the date of joining service, the applicant has been discharging his duties sincerely, honestly and to the best of his ability and there was no occasion when he incurred the displeasure of his superiors at any point of time .

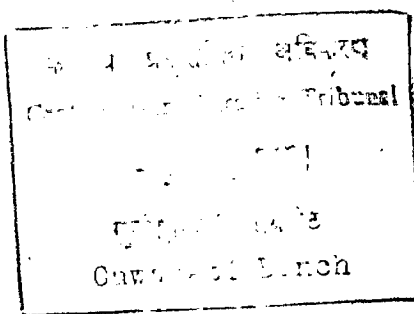
3) That, thereafter, the Respondent No.1, by his office order dated 17.01.2000 , as communicated in memorandum No.A-22011/2/98-Estt dated 17.01.2000 , promoted the applicant against the newly-created post of Assistant Director (Legal Metrology) on adhoc basis in the Regional Reference Standard\$ Laboratory at Guwahati for a period of six months with effect from the date of assumption of office by the applicant or till a regular incumbent joins , whichever is earlier. The applicant accordingly, joined his duties at Guwahati as the Assistant Director on 21.2.2000 and since then he has been functioning as such till date .

It would be pertinent to mention here that Shri J.N. Prajapati (Respondent No.3 ), while he was functioning as the Metrological Assistant, RRS�, Ahmedabad, was earlier promoted by the Respondent No.1, by his order of even number dated 08.10.99, to the rank of Assistant Director (Legal Metrology) in the RRS� at Guwahati on adhoc basis but the said promotion order dated 08.10.99 had to be cancelled as Shri Prajapati declined to move out from Ahmedabad to Guwahati on adhoc promotion.

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5.



Copy of the said order dated 17.01.2000 is annexed herewith and marked as Annexure-I.

- 4) That the Respondent No.1, by Notification No. A-22011/2/98-Estt dated 16.03.2000, has conveyed that the President is pleased to appoint the applicant to the post of Assistant Director (Legal Metrology) on adhoc basis in the Department of Consumer Affairs in the scale of pay of Rs.8000-275-13,500 with effect from 21.2.2000 (F/N) for a period of six months or till a regular incumbent joins whichever is earlier.

Copy of the said Notification dated 16.03.2000 is annexed herewith and marked as Annexure-II .

- 5) That the Respondent No.1, by office memorandum No.A-43011/48/99-Estt dated 16.03.2000 addressed to the Pay and Accounts Officer, Department of Consumer Affairs, 12-A, Jamnagar House, New Delhi-110011, conveyed the approval of the competent authority to the declaration of the Assistant Director (Legal Metrology) in RRSI, Guwahati as Head of Office with immediate effect and until further orders .

The approval of the Head of the Department was also conveyed to the declaration of Shri B.A.Pandey (applicant), Assistant Director (Legal Metrology), RRSI, Guwahati as Drawing and Disbursing Officer in that office with immediate effect and until further orders .

contd...

*B.A. Pandey*



6.

From what is stated above, it would appear that the applicant had since been declared as the Head of Office with immediate effect and until further orders. It would, however, be pertinent to mention here that one Deputy Director joined, on 1.5.2000, at RRSL Guwahati and as such he became the Head of the Office at Guwahati in place of the applicant. The applicant was also delegated with financial powers as the Drawing and Disbursing Officer and he is still continuing as the Drawing and Disbursing Officer.

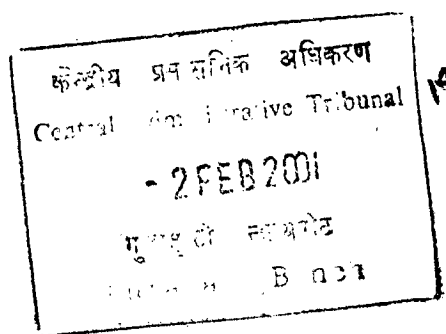
Copy of the said memorandum dated 16.03.2000 is annexed herewith and marked as Annexure-III.

6) That the applicants begs to state and submit that the Respondent No.1, by his office order No. A-32014/1/99-Estt dated 19.01.2001, is learnt to have promoted Shri J.N.Prajapati (Respondent No.5), Metrological Assistant, RRSL, Ahmedabad to the rank of Assistant Director (Legal Metrology), RRSL, Guwahati also on adhoc basis for a period of six months with effect from the date he assumes the charge of the post. Consequent upon joining of the Respondent No.5 as Assistant Director (Legal Metrology), RRSL, Guwahati, in terms of the aforesaid order, the applicant has been transferred, on reversion, to the post of Metrological Assistant in the Weights and Measures Unit in New Delhi.

It would be pertinent to mention here that neither the applicant nor his office has received the

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7.

said transfer order dated 19.01.2001 till date .

7) That the applicant begs to state and submit that he has not completed even one year as Assistant Director (Legal Metrology) in RRS�, Guwahati and as such the applicant would be subjected to untold hardship and sufferings if he is now required to go on transfer, on reversion, only to accommodate the Respondent No.5 at Guwahati and that too on his adhoc promotion.

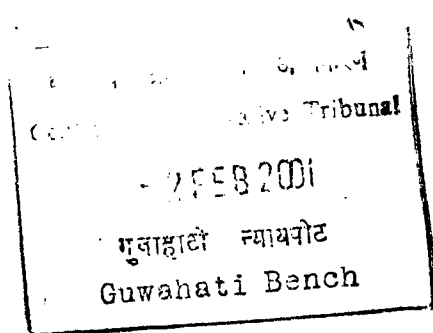
It would be relevant to point out that the applicant has faced three transfer orders within 2½ years between 27.7.98 and 19.01.2001 and he has carried out <sup>earlier two</sup> ~~the~~ orders without raising any grievance .

8) That the Respondent No.5, Shri J.N. Prajapati, Metrological Assistant, R.R.S.L., Ahmedabad appeared in the office of the Dy. Director, RRS�, Guwahati on 31.01.2001 all on a sudden and submitted a joining report annexing a copy of the transfer order dated 19.01.2001 issued by the Respondent No.1. He had also handed over a copy of the said transfer order to the applicant on 31.01.2001 in the office. As stated above, the copies of the said transfer order dated 19.01.2001 has not been received neither by the office of the Dy. Director nor by the applicant till date and as such the applicant has reason to believe that vested interests are working behind the back of the applicant to somehow accommodate the Respondent No.5 at RRS�, Guwahati on adhoc promotion. It is felt that

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8.



the authority is determined, by any means , to dislodge the applicant by transferring him on reversion to New Delhi although, according to settled position of law, one adhoc employee cannot be replaced by another adhoc employee.

The applicant states and submit that, in terms of the promotion order dated 17.01.2000 (Annexure-I), the applicant was posted to RRSL, Guwahati on adhoc promotion as Asstt. Director for a period of six months with effect from the date he assumes the charge of the post or till a regular incumbent joins whichever is earlier. The Respondent No.5, being not a regular incumbent , is illegally posted to R.R.S.L., Guwahati for replacing the applicant. The applicant has not handed over charge till date.

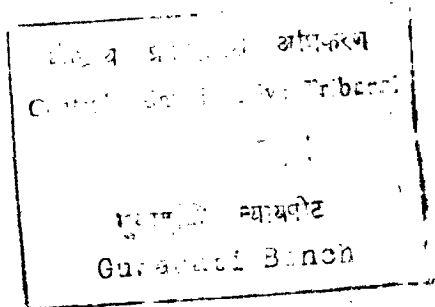
Copy of the said transfer order dated 19.01.2001 is annexed herewith and marked as Annexure-IV.

9) That the applicant begs to state and submit that he shifted his wife, one school-going son and a school-going daughter in April, 2000 when he moved from New Delhi to Guwahati on transfer on ad-hoc promotion. Both the children were admitted in Kendriya Vidyalaya , Khanapara, Guwahati in Class VII and IV respectively. They are going to appear in their respective annual examinations in the middle of March, 2001. Their education will suffer a serious set back if I am to leave Guwahati

contd...

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at this juncture on transfer to New Delhi. In fact , every member of his family will have to share their miseries in their own way unless this Hon'ble Tribunal protects the all-round interest of the applicant .

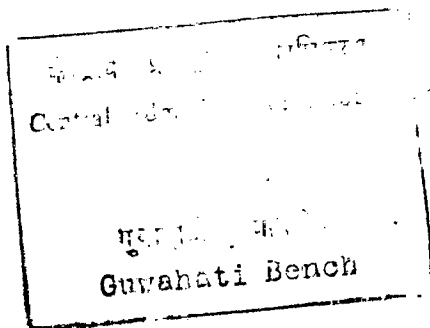
10) That the applicant begs to state and submit that there are 3 (three) sanctioned posts of Metrological Assistants in RRS�, Guwahati lying vacant till date. Instead of transferring the applicant to New Delhi causing undue hardship to the applicant, the respondent-authority could have easily accommodated the applicant against one of the three posts lying vacant at Guwahati itself and it goes to show that the authority is out to drive the applicant to desperation by transferring him to Delhi on reversion .

Copy of the office memorandum No.A-11011/2/99-Estt dated 08.03.2000 conveying the sanction of the competent authority to the continuance of the said 3(three)posts at Guwahati is annexed herewith and marked as Annexure-V.

11) That the applicant has become highly aggrieved by the illegal, arbitrary and malafide transfer order as he is sought to be replaced by another adhoc promotee and as such he approaching this Hon'ble Tribunal praying for relief. The applicant has not yet handed over charge of the office of the Asstt. Director (Legal Metrology) in RRS�, Guwahati and now he will

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suffer irreparable loss and injury unless this Hon'ble Tribunal is pleased to protect the interest of the applicant by staying the operation of the impugned transfer order dated 19.01.2001.

12) That this application is and for the cause of justice .

5 : GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

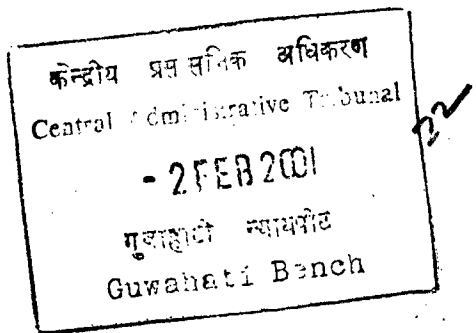
I) For that the impugned transfer order was passed not in the public interest but in malafide exercise of powers and as such the action of the authority in transferring the applicant at this juncture is bad in law and the order is liable to be set aside and quashed .

II) For that the impugned transfer order is malafide, arbitrary, perverse and based on extraneous considerations and it is a positive act of malice and vindictiveness on the part of the respondent-authority and as such the impugned transfer order is bad in law and liable to be set aside .

III) For that the impugned transfer order is not only punitive in nature but also an abuse of discretion vested in the respondent-authority and as such the impugned order is bad in law and liable to be set aside .

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IV) For that the impugned transfer order is not based on valid and relevant considerations but on extraneous and irrelevant considerations in colourable exercise of power offending the fairness and equality treatment in view of the provisions contained in Article 14 and 16 of the Constitution of India and as such the impugned transfer order is bad in law and liable to be set aside .

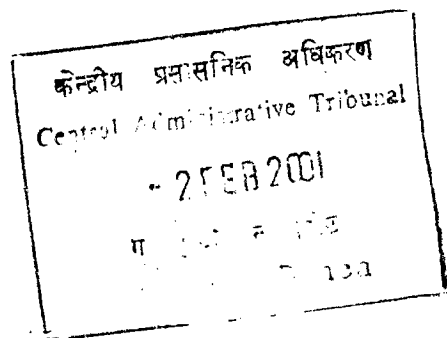
V) For that the applicant who is functioning as the Assistant Director on adhoc promotion is sought to be replaced by another ad-hoc appointee which is illegal and improper and as such the impugned transfer order is bad in law and liable to be set aside .

VI) For that the impugned transfer order is not passed in the interest of public service but for accommodating the Respondent No.5 at Guwahati in place of the applicant inasmuch as the whole process of transfer has been made behind the back of the applicant with ulterior motive and as such the impugned transfer order is bad in law and liable to be set aside .

VII) For that the impugned transfer order smacks something unreasonable as the ~~xxxx~~ Respondent No.5 has reached Guwahati all the way from Ahmedabad even without availing himself

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of the permissible joining time only on the basis of the impugned transfer order which was not received neither by the office of the Deputy Director nor the applicant till the Respondent No.5 appears in the office at Guwahati, as stated above, and as such the action of the respondent-authority in trying to dislodge the applicant at this juncture is bad in law and liable to be set aside.

VIII) For that the impugned transfer order, on the face of it, may bear the insignia of innocence but, in fact, it is passed by way of punishment and vindictiveness and as such the impugned transfer order is bad in law and liable to be set aside.

IX) For that this is a fit case where this Hon'ble Tribunal can legitimately go into the foundation of the transfer order and satisfy its judicial conscience that the transfer order is passed in the best interest of the public service.

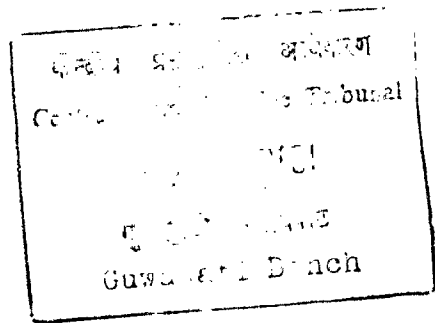
X) For that, in any view of the matter, the impugned order is bad in law and liable to be set aside.

6 : DETAILS OF REMEDIES EXHAUSTED :-

The applicant has got no remedy under the Rules.

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**7 : MATTERS NOT PREVIOUSLY FILED OR PENDING**  
**WITH ANY OTHER COURT :-**

The applicant further declares that he has not previously filed any application , writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application , writ petition or suit is pending before any of them .

**8 : RELIEF SOUGHT :-**

It is, therefore, prayed that your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the impugned transfer order dated 19.01.2001 (Annexure-IV) should not be set aside and quashed and after perusing the causes shown, if any and hearing the parties, set aside and quash the impugned transfer order dated 19.01.2001 (Annexure-IV) as unsustainable in law and/or pass any other order/orders as your Lordships may deem fit and proper.

And for this act of kindness, the applicant, as in duty bound, shall ever pray.

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9 : INTERIM ORDER, IF ANY, PRAYED FOR :-

It is further prayed that Your Lordships would also be pleased to stay the operation of the impugned transfer order dated 19.01.2001 (Annexure-IV) till final disposal of this application. The applicant will suffer irreparable loss and injury if the operation of the said impugned order is not stayed. The applicant has not handed over charge till date.

Your Lordships may also be pleased to consider and direct the respondent-authority to accommodate the applicant against one of the three posts of Metrological Assistant lying vacant at RRSI, Guwahati, as reflected in Annexure-V with a view to mitigating the sufferings of the applicant in case he is required to go to New Delhi on transfer.

10 : Does not arise. The application will be presented personally by the advocate of the applicant.

11 : PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :-

I.P.O. NO. 421912 dated 24.01.2001  
 issued by the Guwahati Post Office payable at Guwahati is enclosed.

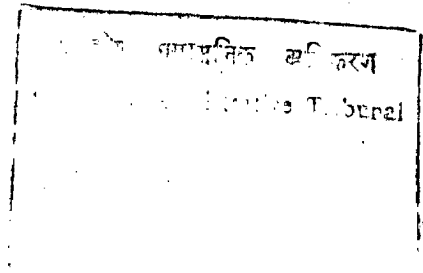
12 : LIST OF ENCLOSURES :-

As stated in the Index.

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15.



VERIFICATION

I, Shri Brahma Anamay Pandey, son of Shri Ram Dular Pandey, aged about 38 years, presently serving as the Assistant Director (Legal Metrology) in the Regional Reference Standard Laboratory at Guwahati under the administrative Control of the Deputy Director, RRSL, Guwahati do, hereby, verify that the contents in paragraphs Nos: 1, 2, 3, 6, 7, 9, 11 + 12 are true to my personal knowledge and those in paragraphs 4, 5, 8 & 10 are believed to be true on legal advice and that I have not suppressed any material fact .

Place: Guwahati.

Date :- 2/2/2001

*Brahma Anamay Pandey*

SIGNATURE OF THE APPLICANT.

No.A-22011/2/98-Estt.

Government of India

Ministry of Consumer Affairs and Public Distribution  
(Department of Consumer Affairs)Krishi Bhavan, New Delhi.  
Dated the 17th January, 2000.ORDER

Approval of the Competent Authority, in the Department of Consumer Affairs is hereby accorded to the ad hoc promotion of Shri B.A.Pandey, Metrological Assistant in the Weights and Measures Unit against the newly created post of Assistant Director (Legal Metrology) in the Regional Reference Standard Laboratory at Guwahati for a period of six months with effect from the date he assumes the charge of the post or till regular incumbent joins, whichever is earlier.

2. This ad-hoc appointment will not bestow on Shri B.A.Pandey any claim for regular appointment, seniority or confirmation etc. in the grade of Assistant Director (LM).

3. The promotion/posting order of Shri J.N.Prajapati, Metrological Assistant issued vide this Department's order of even number dated the 8th October, 1999 stands cancelled. Shri Prajapati will continue to work as Metrological Assistant in RRSL, Ahmedabad.

S. K. Nayak

(S.K. Nayak)

Under Secretary to the Government of India

## Distribution :-

1. Pay & Accounts Officer, Department of Consumer Affairs, 12-A, Jamnagar House, New Delhi-110011.
2. Director (Legal Metrology), Department of Consumer Affairs, Krishi Bhavan, New Delhi with the request to relieve Shri B.A.Pandey, Metrological Assistant immediately with instructions to report for duty as Assistant Director (LM), Guwahati.
3. Deputy Director, RRSL, Guwahati.
4. Shri B.A.Pandey, Metrological Assistant, Department of Consumer Affairs, Shastri Bhavan, New Delhi. He should report for duty to the office of Controller of Legal Metrology (Weights & Measures) Government of Assam, Ulubari, Assam.
5. Shri J.N.Prajapati, Metrological Assistant, RRSL, Ahmedabad.
6. Personal File/Service Book.
7. Vig/O&M/Gen/Lib/Hindi Sections.

Attested  
S. K. Nayak  
21/2/01

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-II,  
SECTION 3, SUB-SECTION(i)]

Government of India  
Ministry of Consumer Affairs and Public Distribution  
(Department of Consumer Affairs)

Krishi Bhavan, New Delhi.  
Dated the 16th March, 2000.

### NOTIFICATION

No.A-22011/2/98-Estt. : The President is pleased to appoint Shri B.A.Pandey, Metrological Assistant to the post of Assistant Director (Legal Metrology) on adhoc basis in this Department in the scale of pay of Rs.8000-275-13500 w.e.f. 21.2.2000 (F/N) for a period of six months or till regular incumbent joins, whichever is earlier.

*S.K. Nayak*

( S.K. Nayak )

Under Secretary to the Government of India

To

The Manager,  
Government of India Press,  
Faridabad (Haryana).  
(Two copies with Hindi version)

File No.A-22011/2/98-Estt.

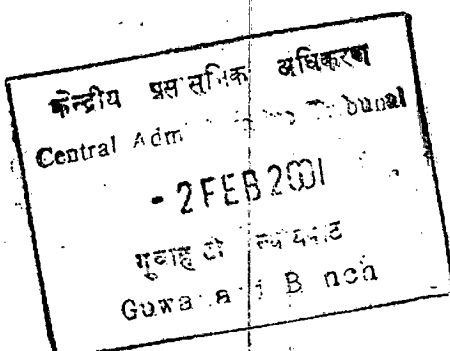
Copy to :-

1. Pay & Accounts Officer, Department of Consumer Affairs, 12-A, Jamnagar House, New Delhi-110 011.
2. The Director(Legal Metrology), Department of Consumer Affairs, Krishi Bhavan, New Delhi.
3. Deputy Director, RRSL, Guwahati.
4. ✓ Shri B.A.Pandey, Assistant Director, RRSL, Guwahati.
5. Personal File/Service Book.
6. Vig/O&M/Gen/Lib/Hindi Sections.
7. Deputy Director, Regional Reference Standards Laboratory, Ahmedabad/ Bangalore/ Bhubaneswar.
8. The Director, Indian Institute of Legal Metrology, Kanke, Ranchi.

*S.K. Nayak*

( S.K. Nayak )

Under Secretary to the Government of India



No. A-43011/46/99-Estt.  
 Government of India  
 Ministry of Consumer Affairs and Public Distribution  
 (Department of Consumer Affairs)

29

Krishna Bhavan, New Delhi.  
 Dated the 16th March, 2000.

To

Pay & Accounts Officer,  
 Department of Consumer Affairs,  
 12-A, Jammagar House,  
 New Delhi-110 011.

Subject:- Declaration of Head of office and Drawing and Disbursing Officer.

Sir,

I am directed to refer to your letter No. RRSL-G.I(1)/2000/1 dated 21.2.2000 on the subject mentioned above and to convey the approval of the Head of Department under Rule 14 of the Delegation of Financial Power Rules, 1978 to the declaration of the Assistant Director (Legal Metrology) in Regional Reference Standard Laboratory, Guwahati as Head of Office with immediate effect and until further orders.

The approval of the Head of Department is also conveyed to the declaration of Shri B.A. Pandey, Assistant Director (Legal Metrology, RRSL, Guwahati as Drawing and Disbursing Officer in that office with immediate effect and until further orders.

Yours faithfully,

S. K. Nayak

( S.K. Nayak )

Under Secretary to the Government of India

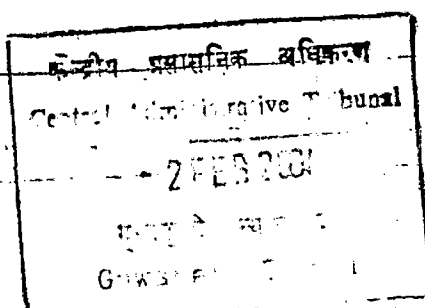
Distribution:-

1. ✓ Assistant Director, Legal Metrology, Regional Reference Standards Laboratory, Office premises of Controller of Weights & Measures, R.K. Mission Road, Ulubari, Guwahati-7 (Assam).
2. Principal Accounts Officer, Ministry of Consumer Affairs and Public Distribution, 1688, Curzon Road Hutments, New Delhi.
3. Director (LM), Department of Consumer Affairs, Krishna Bhavan, New Delhi. Necessary action to identify the bank at Guwahati for official transaction may be taken in consultation with F.A.O., Consumer Affairs.
4. Guard file.

S. K. Nayak

( S.K. Nayak )

Under Secretary to the Government of India



No.A-32014/1/99-Estt.  
Government of India  
Ministry of Consumer Affairs, Food & Public Distribution  
Deptt. of Consumer Affairs  
\*\*\*\*

Krishi Bhawan, New Delhi  
Dated the 19th January, 2001

O R D E R

Approval of the competent authority in the Department of Consumer Affairs is hereby accorded to adhoc promotion of Shri J. N. Prajapati, Metrological Assistant, RRSL, Ahmedabad against the post of Assistant Director(LM) in the Regional Reference Standard Laboratory at Guwahati for a period of 6 months w.e.f. the date he assumes the charge of the post or till regular incumbent joins, whichever is earlier.

This adhoc appointment will not bestow on Shri Prajapati any claim for regular appointment, seniority or confirmation etc. in the grade of Assistant Director(LM).

Consequent upon joining of Shri Prajapati, Shri B.A. Pandey, Metrological Assistant in RRSL, Guwahati will stand transferred and posted as Metrological Assistant in the Weights & Measures Unit of this Department at New Delhi.

*S.K. Nayak*  
(S.K. Nayak)  
Under Secretary to the Govt. of India

Distribution:-

1. Pay & Accounts Officer, Department of Consumer Affairs, 12-A, Jamnagar House, New Delhi.
2. Director(LM), Deptt. of Consumer Affairs, Krishi Bhawan, New Delhi.
3. Deputy Director(LM), RRSL, Guwahati.
4. Deputy Director(LM) RRSL, Ahmedabad.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

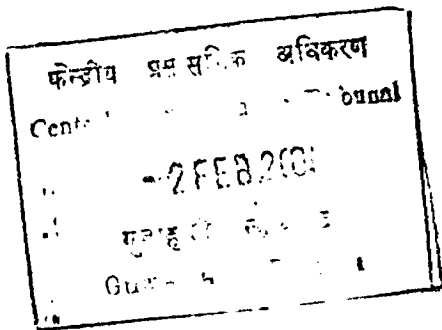
- 2 FEB 2001

गुवाहाटी  
Guwahati

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5. Shri J.N. Prajapati, Metrological Assistant, RRSL, Ahmedabad.
6. Shri B.A. Pandey, Metrological Assistant, RRSL, Guwahati.
7. Personal File/Service Book of persons concerned
8. Vigilance/O&M/General/Library/Hindi Sections.



No.A-11011/2/99-Estt.  
Government of India  
Ministry of Consumer Affairs and Public Distribution  
(Department of Consumer Affairs)  
.....

Krishi Bhavan, New Delhi.  
Dated the 8th March, 2000.

To  
Pay & Accounts Officer,  
Department of Consumer Affairs,  
12-A, Jamnagar House,  
New Delhi-110 011.

Subject:- Continuance of temporary posts in the field offices of W&M under the Department of Consumer Affairs during the financial year 2000-2001.  
.....

Sir,

I am directed to convey the sanction of the President to the continuance of following temporary posts in the field offices of W&M under the Department of Consumer Affairs during the financial year 2000-2001 from 1.3.2000 to 28.2.2001 :-

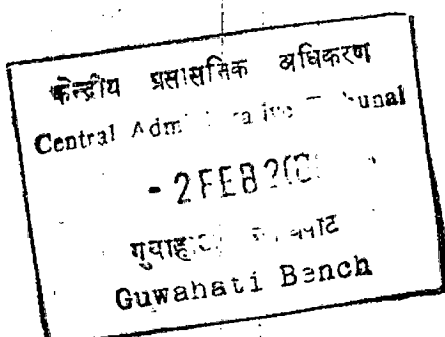
A. Regional Reference Standards Laboratory, Faridabad.

| S.No. | Name of post and Pay Scale                 | No. of Posts  |
|-------|--|---|
| i)    | Deputy Director<br>Rs.10000-325-15200      | One Sanction letter No. A-11011/4/98-Estt. dated 24.12.98   |
| ii)   | Assistant Director<br>Rs.8000-275-13500    | One Sanction letter No. A-11011/4/98-Estt. dated 24.12.98   |
| iii)  | Metrological Assistant<br>Rs.5500-175-9000 | Three Sanction letter No. A-11011/4/98-Estt. dated 24.12.98 |
| iv)   | Steno Gr. 'D'<br>Rs.4000-100-6000          | One Sanction letter No. A-11011/4/98-Estt. dated 24.12.98   |

B. Regional Reference Standards Laboratory, Guwahati.

|        |  |   |
|--------|--|---|
| i)     | Deputy Director<br>Rs.10000-325-15200      | One Sanction letter No. A-11011/22/99-Estt. dated 15.7.99   |
| ii)    | Assistant Director<br>Rs.8000-275-13500    | One Sanction letter No. A-11011/22/99-Estt. dated 15.7.99   |
| ✓ iii) | Metrological Assistant<br>Rs.5500-175-9000 | Three Sanction letter No. A-11011/22/99-Estt. dated 15.7.99 |
| iv)    | Steno Gr. 'D'<br>Rs.4000-100-6000          | One Sanction letter No. A-11011/22/99-Estt. dated 15.7.99   |

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C. Indian Institute of Legal Metrology, Ranchi.

| S.No. | Name of post and<br>Pay Scale | No. of Posts |
|-------|-------------------------------|--------------|
|-------|-------------------------------|--------------|

|    |  |     |
|----|--|-----|
| 1) | Assistant Professor<br>Rs.8000-275-13500 | One |
|----|--|-----|

2. The expenditure involved will be met from the sanctioned budget for the financial year 2000-2001.

3. This issues with the concurrence of IF Division of this Department vide their Dy. No. 654/FA/2000 dated 3.3.2000.

Yours faithfully,

*S. K. Nayak*

( S.K. Nayak )

Under Secretary to the Government of India

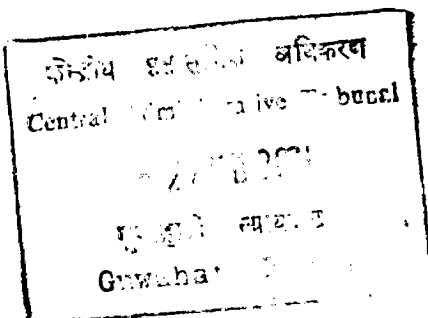
Copy to :-

1. A.G.C.W. & M., New Delhi.
2. The Director, IILM, Ranchi.
3. Deputy Director, RRSL, Faridabad.  
(Shri R.Mathurbootham)
4. Deputy Director, RRSL, Guwahati.
5. Director (LM).
6. B&F/D&M/Vig/Hindi/Genl Sections.
7. Guard file.

*S. K. Nayak*

( S.K. Nayak )

Under Secretary to the Government of India



GUWAHATI BENCH : GUWAHATI

Shri B.A. Pandey

Union of India and others

Respondents No.1 to 4

2. That with regard to para 4.1 and 4.2 the respondents beg to offer no comments being a matter of record.

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3. That with regard to para 4.3 the respondents beg to state that the contents of the paragraph are not disputed in so far as it relates to matter of record. Shri J.N. Prajapati, who is the senior most Metrological Assistant, was approved for ad-hoc promotion to the Grade of Assistant Director (Legal Metrology) by a duly constituted D.P.C. On ad-hoc promotion, he was posted in Regional Reference Standard Laboratory (RRSL) Guwahati. Due to some family problems, which may be explained by Respondent No.5 in this case Shri Prajapati expressed his inability to accept ad-hoc promotion with posting at Guwahati. His request was accepted by the competent authority.

4. That with regard to para 4.4 the respondents beg to state that after Shri Prajapati declined his ad-hoc promotion, S/Shri B.A. Pandey and R.D. Maldahiyar, Metrological Assistants, who were also approved for ad-hoc promotion as Assistant Director (Legal Metrology) by the same D.P.C., gave in writing, their willingness to accept ad-hoc promotion as Assistant Director (LM), RRSL, Guwahati. Shri B.A. Pandey, being the next senior most Metrological Assistant due for ad-hoc promotion, was promoted and posted as Assistant Director (LM) on ad-hoc basis

and was posted at RRS�, Guwahati for a period of six months or till regular incumbent joins, whichever is earlier.

5. That with regard to para 4.5 the answering respondents beg to state that the Laboratory at the Guwahati is in its initial stage of setting up. Shri Pandey was the only official posted in that Laboratory. In order to facilitate timely drawal of his salary etc. and to incur day to day expenditure required for running the establishment, Shri Pandey was declared Head of Office and Drawing & Disbursing Officer for that Laboratory with the approval of Competent Authority. It is clarified that the Drawing & Disbursing Officer does not have any financial powers. His duties are to prepare the contingent bills after obtaining the approval of Head of Office/Head of Department for incurring the expenditure and send these bills to Pay and Accounts Office. On receipt of cheques he would disburse them to concerned parties. In respect of salary bills, he is authorised to draw and disburse the same amongst the employees. Thus the Drawing & Disbursing Officer have no financial power to incur any expenditure without prior approval of Head of Office or Head of Department.

6. That with regard to para 4.6 the respondents beg to state that the copies of the Order No.A-32014/1/99-Estt. Dated 19-1-2001 regarding promotion of Shri Prajapati and transfer of Shri Pandey from Guwahati to New Delhi on reversion have been despatched simultaneously to all concerned. It is further submitted that the assertion made by the applicant regarding non-receipt of the order dated 19-1-2001, does not appear to be well based : as order under reference have been annexed to the O.A. filed by the applicant as Annexure-4.

7. That with regard to para 4.7 the respondents beg to state that while conveying his willingness for ad-hoc promotion and posting, the applicant was well aware of the fact that his stay at Guwahati was for a period of six months or less. The Department has already initiated action to fill up the post of Assistant Director (LM) on regular basis through UPSC. However, due to non-availability of the ACRs of the eligible officers, the DPC could not be held so far. In the meantime, the Respondent No.5, who happens to be senior to the applicant has represented that due to changed domestic circumstances he is now willing to accept his posting at Guwahati. His representation has been examined in the light of relevant

instructions on the subject as contained in DOP&T OM No.22034/3/81-Estt.(D) dated 1.10.81.

Copy of O.M. dated 1.10.81 is annexed herewith and marked as Annexure -R<sub>1</sub>.

If an employee refuses his promotion, he should be debarred for promotion for a period of one year or till a regular vacancy occurs whichever is later. However, this provision does not apply in the case of refusal of ad-hoc promotion. Thus, in the light of these instructions the Respondent No.5 being senior to the applicant, has been promoted and posted at Guwahati from the date he assumes charge with the approval of the competent authority i.e. Minister for Consumer Affairs, Food & Public Distribution. As already admitted by the applicant that the order dated 17-1-2000 regarding his promotion and posting at Guwahati specifically provided that his ad-hoc promotion was for a period of six months or till regular incumbent joins, whichever is earlier. Thus after the expiry of six months i.e. on 20-8-2000, the applicant stands reverted to his regular post of Metrological Assistant from 21-8-2000. The Department has not issued any order extending the ad-hoc appointment of the applicant beyond 20-8-2000 as in the meantime Respondent No.5 had given his willingness for his posting at Guwahati. The postings/transfers of officers are made in the public interest to

ensure smooth running of office. In July, 1998, the then Secretary (Consumer Affairs) took an administrative decision to transfer all employees who have been working in the same office/section for a period of more than 3 years. Since the applicant had completed more than 3 years at RRSI at Bhubaneswar, he was transferred to New Delhi. In July, 1998, such transfers were also made in respect of all employees who fell in this category. In February, 2000, when he volunteered on his own for getting financial benefit accruing on account of his acceptance of ad-hoc promotion. Had he not volunteered or refused promotion, he would not have been transferred from Delhi to Guwahati. With the joining of Respondent No.5 at Guwahati, the workload in that office does not justify his retention at Guwahati. Due to a court case regarding transfer of land by the Assam Government to this Department, the construction of Laboratory building at Guwahati could not be taken up by the CPWD, Guwahati. In view of the fact that two posts of Metrological Assistant, including the one vacated by the applicant, are lying vacant and the work of the Division at Headquarters is suffering due to shortage of manpower. In fact, the applicant has been posted back against the vacancy caused by his ad-hoc promotion for which he has already got the financial benefits. Thus the transfer of the applicant during the preceding

2½ years were not made with any malafide intentions and have been necessitated in the public interest.

8. That with regard to para 4.8 the respondents beg to state that the allegation of vested interest made in this para is emphatically denied. The ad-hoc promotion of the Respondent No.5 is in accordance with the instructions quoted above. There is no other vacancy in the grade of Assistant Director to accommodate the Respondent No.5 without disturbing the applicant. It is also an established procedure that the senior employee has first right for ad-hoc promotion and as such it is a case in which a senior officer has been posted in place of a junior officer against a short term (ad-hoc) vacancy.

9. That with regard to para 4.9 the respondents beg to state that the Annual Examination will be over in the month of March. It is further submitted that the applicant joined at Guwahati, after going through the contents of the order. Now all the concocted and after thought stories have no place in service jurisprudence.

10. That with regard to para 4.10 the respondents beg to state that the shifting of his family to Guwahati knowing fully well that his appointment was for a maximum period of six months



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was his own decision and the Government has nothing to say in this regard. It is a fact that three posts of Metrological Assistant are lying vacant in RRSL, Guwahati. As already stated in para 4.7 that there is no functional justification for retaining the applicant at Guwahati as the Laboratory has not been fully commissioned in its own building. In fact the office space provided temporarily by the State Government is not sufficient to establish full fledged laboratory.

The applicant has not sought any extension of time for his release from Guwahati office on grounds of children education. He has, therefore, not exhausted permissible channels to sort out his problem.

11. That with regard to para 4.11 the respondents beg to state that the posting of a senior officer in place of a Junior Officer is not arbitrary and is in accordance with the instructions on the subject. In fact it would perhaps be a great injustice to deny a senior officers his rightful, and legally valid promotion and posting in RRSL, Guwahati. The action of the applicant in not handing over charge tantamounts to flouting of Government Orders knowingly and is in self interest. No injustice is being

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meted out the applicant as transfer is in an incidence and part of the service.

12. That with regard to para 4.12 the respondents beg to state that position explained in preliminary objection No.1, above may be re-iterated, so the application is liable to be dismissed in this case above.

13. That with regard to paras 5.1 to 5.x the respondents beg to state that the allegations made therein are emphatically denied in view of the position already made clear in para 4 above. In the light of averments made above, it is prayed that the O.A. is liable to be dismissed as there is no malafide intentions in transferring him from Guwahati to New Delhi. The decision in this regard has been taken with the approval of the competent authority in the office exigencies and in public interest.

14. That with regard to para 6 the respondents beg to state that it is incorrect to say that he has no remedy under the rules. He could have represented to the competent authority for deferment of his transfer from Guwahati for couple of months. Without doing so he had moved the Hon'ble Court in this regard. It is prayed that the O.A. may be dismissed forthwith and

the applicant be directed to exhaust all permissible channels for deferment of his transfer from Guwahati before seeking intervention of the Hon'ble Court in this regard.

15. That with contents of para 7 being legal needs no comments.

16. That with regard to para 8 the respondents beg to state that it is prayed that writ petition may be dismissed as devoid of any merit. The impugned transfer order dated 19-01-2001 has been made in accordance with the provision of the rules in public interest and hence may be set aside.

17. That with regard to para 9 the respondents beg to state that the applicant has prayed for his retention at Guwahati against one of the vacant post of Metrological Assistant. In view of this the applicant be directed to hand over charge to the Respondent No.5.

To sum up, one temporary post of Assistant Director (LM) has been created for setting up North Eastern Laboratory at Guwahati. The Government of Assam has transferred a plot of land for construction of laboratory building. Pending

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completion of building, the State Government has provided some space in its own accommodation so as to enable temporary setting up of the laboratory for the benefit of the industries in the area. To supervise the construction work and to pursue the case with CPWD authorities it was decided to post one Deputy Director (LM) and one Assistant Director (LM). However, due to a court case regarding transfer of land, the construction of building could not commence as per schedule. The Department has taken up the case for getting either the stay vacated unconditionally or to get an alternate piece of land for the construction of the building. In the meantime some equipments have also been purchased for the laboratory to commission the laboratory on a small scale basis. However, there is no functional justification for retaining the third officer in the laboratory.

The Department has been experiencing acute shortage of manpower in the grade of Metrological Assistants at Headquarter (Delhi) due to Central Government ban on recruitment. Hence the post vacated by the applicant on his ad-hoc promotion could not be filled up so far. He has, therefore, been posted back to Delhi, in public interest.

A proposal to fill up the post on regular basis is already pending with the UPSC. The DPC could not be held so far due

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to non-availability of ACRs of eligible officers. The same have  
now been obtained and the UPSC is being requested to hold the  
DPC meeting at the earliest.

In view of above, it is prayed that the O.A. is  
liable to be dismissed.

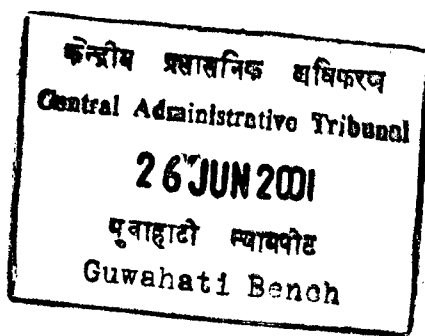
#### VERIFICATION

I, Shri R. MATHUR BOOTHAM

Being authorised do hereby solemnly declare that the  
statements made in this written statement are true to my  
knowledge, believe and information and I have not suppressed  
any material fact.

And I sign this verification on this 19<sup>th</sup> day of April,  
2001 at Guwahati.

  
Declarant.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 48 OF 2001

Shri B.A. Pandey

- Vs-

Union of India & respondent no. 5

- And-

In the matter of :

Written statement submitted by the  
respondent no. 5.

The humble petition of the respondent No. 5

MOST RESPECTFULLY SHEWETH


1. That the respondent no. 5 begs to state that,  
as his mother was in death bed, so he could not accept  
~~his~~ his promotion ( ad-hoc ) . He was to attend his  
sick mother.
2. That after some months his mother expired and  
after the death of his mother he accepted the ad-hoc  
promotion and posted at Guwahati office.
3. That since joining the respondent no. 5 is not  
getting salary as the applicant has not handed over the  
charge.

Verification....

V E R I F I C A T I O N

I, Shri J.N. Prajapati, respondent no. 5  
in O.A. 48/2001 do hereby solemnly affirm and declare  
that statements made in the written statement are  
true to my knowledge and information.

And I sign this verification on this 26th  
day of June, 2001.

  
Jagat Narayan Prajapati  
Asst. Director (LW)

Declarant.