

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 20th day of April, 2010

ORIGINAL APPLICATION No.207/2010

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Prakash Chandra Meghwal,
UDC (Cashier) under Executive Engineer,
Jaipur Central Elect. Circle,
C.P.W.D., Kendriya Sadan-A, Ist Floor,
Sector-10, Vidyadhar Nagar,
Jaipur.

... Applicant

(By Advocate : Shri Nand Kishore)

Versus

1. Union of India through
Secretary,
Ministry of Urban Development,
Central Public Works Department,
Nirman Bhawan,
New Delhi.
2. Superintending Engineer,
Jaipur Central Electrical Circle,
C.P.W.D., Nirman Bhawan,
Sector-10, Vidyadhar Nagar,
Jaipur.
3. Executive Engineer,
Jaipur Central Elect. Division,
C.P.W.D., Kendriya Sadan-A,
Ist Floor, Sector-10,
Vidyadhar Nagar,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA against the order dated 19.3.2010 (Ann.A/1), whereby one Shri Brij Lal Meena, UDC, after having been transferred from Jodhpur Central Elect. Division to Jaipur Central Elect. Division has further been posted in the Jaipur Central Elect. Division as Cashier on his own request, on which post i.e. Cashier the applicant has already been working and he has not yet completed his tenure of three years. Through this OA, the applicant has prayed for the following relief :

- "i) The respondents may be directed to follow Rule-17 of Section-9 of CPWD Manual and the applicant may not be dislocated before completion of tenure period of three years from his present place of posting.
- ii) The respondents may further be directed to post Shri Brij Lal Meena under Jaipur Central ~~Elect.~~ Circle, where the posting have been issued by the competent authority (A/1) by relieving Shri Neeraj Agarwal, because the respondent No.2 is duty bound to obey the orders of higher authorities as per A/1 and he cannot act against the same.
- iii) Any other directions and orders which are deemed proper in the facts and circumstances of the case may kindly be allowed to the applicant."

2. Brief facts of the case are that the applicant who was working as UDC at Bikaner Map Circle was transferred to Jaipur Central Elect. Division vide order dated 15.2.2008. Having relieved from Bikaner Map Circle, the applicant resumed his duty in the Jaipur Central Elect. Division on 18.2.2008 as Cashier. At one stage of time, the applicant had requested for his posting in the correspondence Branch. However, this request was subsequently withdrawn. It means that the

Yours

applicant wanted to continue on the post of Cashier. As per the provisions contained in Rule-17 of Section-9 of the CPWD Manual, the Cashier serving in the Divisional Office shall be interchanged every three years. However, the applicant has not completed the period of three years in the present place of posting. Rule-17 of Section-9 of the CPWD Manual reads as under :

"Interchange of staff between Accounts and correspondence staff : Upper Division Clerks and Lower Division Clerks, including Cashiers, serving in a Divisional Office shall be interchanged every 3 years. The period of 3 years stay in Accounts seat shall be reckoned from first April and first October of a year. Transfer should be completed by first May and first November of the year. Such transfers shall be effected by the Superintending Engineer of the Circle concerned. The Superintending Engineers are empowered to grant exemption from transfers under this rule upto a maximum period of one year where exceptional circumstances exist."

3. Grievance of the applicant has arisen out of the order dated 19.3.2010 (Ann.A/1), issued by the Superintending Engineer (Coord), Co-ordination Circle (Civil), Northern Region, New Delhi. Through this order, Shri Neeraj Agarwal, UDC, working in the Jaipur Central Circle has been transferred to Jodhpur Central Elect. Division, whereas one Shri Brij Lal Meena, UDC, has been transferred from Jodhpur Central Elect. Division to Jaipur Central Elect. Circle. It appears from this order that Shri Neeraj Agarwal was transferred from Jaipur Central Circle, whereas Shri Brij Lal Meena who was transferred, vice Shri Neeraj Agarwal has been kept at the disposal of Jaipur Central Elect. Division for further posting on selection as Cashier on his own request.



4. Now, vide letter dated 13.4.2010 (Ann.A/8) the Executive Engineer, Jaipur Central Elect. Division, has sought clarification from Assistant Engineer (Elect.) Hqrs, Jaipur Central Elect. Circle, on the order issued by the Superintending Engineer (Coord), Co-ordination Circle (Civil), Northern Region, New Delhi (Ann.A/1), wherein it was mentioned that as per order of the Superintending Engineer (Coord), Co-ordination Circle (Civil), Shri Brij Lal Meena has been transferred to Jaipur Central Elect. Circle with a direction for further posting as Cashier to Jaipur Central Elect. Division, whereas the applicant, Prakash Chander Meghwal, has not been transferred from the post of Cashier.

5. In the circumstances, learned counsel for the applicant has prayed that status-quo qua the applicant may be maintained as he has not yet completed the tenure of three years as Cashier as per Rule-17 of Section-9 of the CPWD Manual.

6. I have heard learned counsel for the applicant and perused the record. I find that the applicant has not so far completed the tenure of three years as Cashier in the present office as per Rule-17 of Section-9 of the CPWD Manual. It is also evident from perusal of Ann.A/1 that Shri Brij Lal Meena has been transferred to Jaipur Central Elect. Circle from Jodhpur Central Elect. Division, whereas Shri Neeraj Agarwal has been transferred from Jaipur Central Circle to Jodhpur Central Elect. Division. Shri Brij Lal Meena has been posted

10/2

vice Shri Neeraj Agarwal for further posting in Jaipur Central Elect. Division on selection as Cashier on own request. It is also evident from perusal of letter dated 13.4.2010 (Ann.A/8), written by the Executive Engineer (Elect.), Jaipur Central Elect. Division, CPWD, that the present incumbent i.e. Shri Prakash Chander Meghwal [the applicant] has not been transferred from his present posting of Cashier and in the absence of such order, the applicant cannot be relieved from his present posting as also Shri Brij Lal Meena cannot be allowed to join as Cashier till final decision is taken by the Superintending Engineer (Coord), Co-ordination Circle (Civil); Northern Region, New Delhi. The applicant has prayed for retaining him at the same post as he has not completed his tenure of three years as Cashier as per Rule-17 of Section-9 of the CPWD Manual. Besides, daughter of the applicant has already been admitted in the School, fee has been deposited as per Ann.A/9 and the session has started.

7. For the reasons given in this order, the respondents are hereby directed to retain the applicant on the post of Cashier in the same office or in case it is not possible, he should be transferred to Jaipur Central Circle or to any other office in Jaipur. The respondents at Jaipur are directed to make a detailed reference to the Superintending Engineer (Coord), Co-ordination Circle (Civil), Northern Region, New Delhi, mentioning all the facts of the case alongwith a copy of this order and status-quo-qua the applicant is to be maintained till clarification is received from the Superintending Engineer

(Coord), Co-ordination Circle (Civil), Northern Region, New Delhi.

8. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(B.L.KHATRI)
MEMBER (A)

vk