

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

20

ORDERS OF THE BENCH

Date of Order: 17.04.2012

MA No. 08/2012

(OA No. 101/2011 with MA No. 68/2011,
MA No. 92/2011, MA No. 143/2011 & MA No. 306/2011)

Applicant is present in person.

Mr. M.A. Khan, counsel for respondent nos. 1 to 3.

Mr. D.C. Sharma, counsel for respondent no. 4.

None present for other respondents.

MA No. 08/2012

Heard on the Misc. Application for restoration of the Original Application as well as Misc. Applications, and having considered the submissions made on behalf of the respective parties, and the reasons stated in the Misc. Application, we are fully satisfied with the reasons stated and, thus, the Misc. Application for restoration of the Original Application and Misc. Applications stands allowed. The Original Application and the Misc. Applications are restored to its original number and status.

(OA No. 101/2011 with MA No. 68/2011,
MA No. 92/2011, MA No. 143/2011 & MA No. 306/2011)

We have heard the applicant in person, and the learned counsels appearing for the respondents.

Original Application and the Misc. Applications are disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K.S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 17th day of April, 2012

OA No. 101/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

D.K.Srivastava
s/o Shri M.S.Srivastava,
113, Hari Marg, Civil Lines,
Jaipur

... Applicant

(Applicant present in person)

Versus

1. Housing & Urban Dev. Corporation (HUDCO)
through its Chairman and Managing Director.
2. Regional Chief, HUDCO,
Jyoti Nagar,
Jaipur
3. Central Vigilance Commission,
INA, New Delhi.
4. CBI through its Director,
CGO Complex,
New Delhi.
5. Shri P.K.Mohanty,
Managing Director
6. Shri K.L.Dhingra,
Managing Director,

7. Shri T.Prabhakaran,
Managing Director/
Director Finance
8. Shri Vivek Kumar,
Executive Director
9. Shri S.S.Gaur,
Executive Director
10. Shri N.C.Nakra, Chief
11. Shri H.K.Dubey,
Executive Director, HUDCO,
12. Shri Prem Nawaz, Chief,

Respondents 5 to 12 address - c/o Housing & Urban Dev.
Corporation Ltd., HUDCO House, Indian Habitat Centre, Lodhi
Road, New Delhi.

... Respondents

(By Advocate : Shri M.A.Khan for resp. No. 1 to 3 and Shri
D.C.Sharma for resp. No.4.)

ORDER (ORAL)

The present OA has been preferred by the applicant praying
for the following reliefs:-

- “(i) This OA seeks setting aside of impugned order dt.
17.02.2009 (Ann.-1) whereby applicant was
transferred from Delhi to Jaipur and also seeks
setting aside of order dt. 22.02.2011 (Ann.-1A)
whereby applicant is transferred from Jaipur to
Guahati.
- “(ii) Applicant may kindly be transferred back to any
office of respondent No.1 at Delhi/New Delhi



- (iii) Payment against tour bills (Ann.A27) in respect of journeys from Delhi to Jaipur and Jaipur to Delhi be directed to be released.
- (iv) Payment of salary for the month of February, 2011 onwards be directed to be paid to the applicant.
- (v) Payment of subsistence allowance of February, March, 2009 be directed to be paid to the applicant
- (vi) Give effective other appropriate directions to the respondents and other by protecting applicant for whistle blowing having deterrent effect in such matters of abuse of powers, corruptions.
- (vii) Applicant be treated on duty for all purposes."

2. The applicant has also filed Misc. Application No.68/2011 for condonation of delay in filing the OA. We have perused the explanation given in the Misc. Application for condonation of delay and we are satisfied with the explanation, as such, this Misc. Application is allowed and the delay is condoned. We have also perused the averments made in Misc. Application No.92/2011 and 143/2011. We are not convinced with the averments made and the grounds taken in these Misc. Applications, as such, these Misc. Application are dismissed.

3. The present OA is directed against the transfer order dated 17.2.2009 (Ann.A/1) whereby the applicant was transferred from Delhi to Jaipur and against the order dated 22.2.2011 (Ann.A1A) whereby the applicant was transferred from Jaipur to Guwahati. The applicant has prayed for quashing and setting aside the transfer



orders dated 17.2.2009 and 22.2.2011 and further prayed that he be transferred back to any office of respondent No.1 at Delhi/New Delhi.

4. During pendency of the OA, the respondents filed Misc. Application No.306/2011 for placing order dated 29.9.2011 on record of the OA, which is taken on record. Vide this order dated 29.9.2011 the Chairman and Managing Director passed penalty order and imposed the penalty of 'Dismissal from Service' on the applicant under Rule 23(2)(j) of HUDCO Conduct, Discipline and Appeal Rules, 1976. The disciplinary proceedings were initiated against the applicant under Rule 23(2) read with Rule 26 of HUDCO Conduct, Discipline and Appeal Rules 1976 vide Memorandum dated 12.10.2010 and on the basis of the findings given by the Inquiry Officer, wherein the charge of misconduct has been proved against the applicant, the Disciplinary Authority was of the opinion that the misconduct on the part of the Charged Officer is of very serious nature and merit imposition of penalty of dismissal from service and therefore, imposed the penalty of 'Dismissal from Service' upon the applicant vide order dated 29.9.2011.

5. In our considered view, so far as the OA challenging the transfer orders is concerned, the same has become infructuous, as the respondents have passed order dated 29.9.2011 dismissing the applicant from service. Insofar as other reliefs are concerned, the applicant has claimed multiple reliefs, which is not permissible under



law. However, the applicant is at liberty to approach the official respondents for redressal of his grievance.

6. Consequently, the OA is dismissed as having become infructuous with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K.S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/