

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

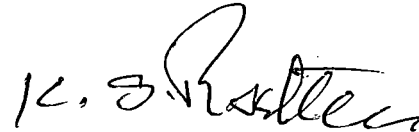
Date of Order: 02.02.2012

OA No. 636/2011 with MA No. 17/2012

Mr. Vishal Soni, proxy counsel for
Mr. Rajendra Soni, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

Heard.

OA is dismissed and the MA is disposed of by a
separate order on the separate sheets for the reasons
recorded therein.


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

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 636/2011
WITH
MISC. APPLICATION NO. 17/2012**

DATE OF ORDER: 02.02.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Om Prakash Sharma S/o Shri Sharwan Kumar Sharma, aged about 42 years, R/o B-II/18, IIIrd Floor, Doordarshan Colony, Jhalana Doongari, Jaipur (Raj.) – 302004, at present working as L.D.C., Doordarshan Kendra, Jhalana Doongari, Jaipur.

...Applicant

Mr. Vishal Soni, proxy counsel for
Mr. Rajendra Soni, counsel for applicant.

VERSUS

1. Bhartiya Prasaran Nigam through its Director General (S-II Division), Doordarshan, Doordarshan Directorate, Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.
2. Director, Doordarshan Kendra, Jhalana Doongari, Jaipur (Raj.)-302004.
3. Administration Officer, Doordarshan Kendra, Jhalana Doongari, Jaipur (Raj.)-302004.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

ORDER (ORAL)

Heard learned counsel appearing for the respective parties.

2. The Misc. Application bearing No. 17/2012 has been filed by the respondents for seeking vacation of stay order dated 05.01.2012 passed by this Bench of the Tribunal in Original Application No. 636/2011, by which the respondents were directed not to disturb the applicant from Jaipur pursuant to the transfer order dated 14th October, 2011 (Annex. A/2).



3. Learned counsel appearing for the respondents submits that the respondents have obeyed the interim order dated 05.01.2012 passed by this Bench of the Tribunal and assigned the work to the applicant at Jaipur itself, but since the interim order is granted, the applicant is not discharging the duty assigned to him and also not attending the office and on the contrary his attitude towards the senior officers is very rude and misbehaved, and deliberately he is disobeying the orders of his superior officers.

4. Learned counsel appearing for the applicant submits that the only grievance of the applicant is that he is an L.D.C., but the work of Operator in EPABX Room is being assigned to him. He further submits that the applicant is ready to perform the duty of LDC, but he is not qualified to discharge his duty as operator in EPABX Room. Therefore, the applicant is not discharging his duty as operator in EPABX Room.

5. Be that as it may, looking to the circumstances, an ex-parte interim order was granted in favour of the applicant by this Bench of the Tribunal on 05.01.2012 ordering not to be disturbed him from Jaipur pursuant to the transfer order dated 14th October, 2011, but under the garb of the interim order, the applicant is not obeying the orders passed by his superior officers directing him to work at Jaipur itself.

6. However, on behalf of the applicant, it has been stated that the applicant wishes to discharge his duties on the post of LDC. At this stage, it has been stated on behalf of the respondents that vide order dated 14th October 2011 (Annex.



A/2), the applicant was transferred to Doordarshan Maintenance Centre, Bikaner on the post of LDC only.

7. Having heard the rival submissions made on behalf of the respective parties, and upon careful perusal of the pleadings made in the OA as well as the reply to the OA, and also gone through the MA filed on behalf of the respondents for seeking vacation of the interim order dated 05.01.2012, I am of the view that seeing the conduct of the applicant, he is not legally entitled to be continued at Jaipur without discharging the duty as assigned to him by the respondents. Thus, the interim relief granted by this Bench of the Tribunal on 05.01.2012 is hereby vacated. The Misc. Application is disposed of accordingly.

8. In view of the above, I find no merit in the Original Application as the applicant has no legal right to challenge the transfer order for the reason that he wants to discharge his choice duty at his choice place only. Consequently, the Original Application fails and is hereby dismissed with no order as to costs. However, it is made clear that the respondents are given liberty to pass fresh transfer order of the applicant in accordance with the provisions of law.


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