

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Thursday, this the 4th day of April, 2013

ORIGINAL APPLICATION No.276/2012

CORAM:

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

Dr. Manish Shrivastava
s/o Shri L.K.Shrivastava,
aged about 37 years,
r/o 42/56/10, Mansarovar,
Jaipur and presently working as
Junior Hydrogeologist in
Central Ground Water Board (W.R.),
Jaipur

.. Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India
through Secretary to the
Ministry of Water Resources,
Government of India,
Shram Shakti Bhawan,
Rafi Marg, New Delhi.
2. Chairman,
Central Ground Water Board,
Government of India,
CHQ, New CGO Complex,
NH-IV, Faridabad.
3. Regional Director (Western Region),
Central Ground Water Board,
6-A, Jhalana Institutional Area,
Jaipur

4. Shri S.C.Dhiman,
Chairman, Central Ground Water Board,
Government of India,
CHQ, New CGO Complex,
NH-IV, Faridabad.

.. Respondents

(By Advocate: Shri D.C.Sharma for resp. No. 1 to 3)

ORDER (ORAL)

This is fourth round of litigation. Earlier, the applicant has filed OA No.157/2003 and the same was allowed. Since the order was not complied, the applicant also filed Contempt Petition No.3/2009 and the Contempt Petition was disposed of with following directions:-

"3. The applicant has filed rejoinder, which has been placed on record. According to the learned counsel for the applicant, the benefit has been extended to the applicant w.e.f. 21.12.2000 whereas he was entitled for such benefit w.e.f. 10.11.2000. We are in contempt proceeding. The question whether the applicant was extended benefit w.e.f. 10.11.2000 or w.e.f. 21.12.2000 cannot be agitated in this contempt petition especially when this Tribunal while disposing of the matter has not specified the date from which date such benefit shall be extended to the applicant. In any case, if the applicant is aggrieved by the order passed by the respondents whereby he has been granted benefit w.e.f. 21.12.2000, it will be open for him to file substantive OA including his further promotion based upon granting of benefit w.e.f. 21.12.2000."



2. Thereafter, the applicant challenged transfer order dated 13th August, 2010 by filing OA No.404/2010. The said OA was disposed of vide order dated 2.9.2010 giving liberty to the applicant to file fresh representation and the respondents were directed to consider the same and pass a reasoned and speaking order within a period of one month. The applicant has also filed Contempt Petition No.1/2011 for non-compliance of the order dated 2.9.2010, which was dismissed vide order dated 26.5.2011. Thereafter, the applicant again challenged the transfer order 3-11-2011 by way of filing OA No. 546/2011. The said OA was allowed and transfer order was quashed and set-aside, but the respondents were granted liberty to pass a fresh transfer order in administrative exigency and can hold enquiry regarding complaints of gross indiscipline, insubordination and dereliction of duty and acting in a manner which is highly unbecoming of an officer, if they so desire. The said order has been complied with and the applicant was allowed to work at Central Ground Water Board (CGWB), Jaipur.

3. Now by way of present OA, the applicant again challenged the fresh transfer order dated 20.04.2012 which has been passed by the respondents in public interest transferring him from CGWB, WR, Jaipur to CGWB, SR, Hyderabad with

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immediate effect. This Tribunal vide its interim order dated 1.5.2012 stayed the effect and operation of the impugned order transfer order dated 20.4.2012 (Ann.A/1) and relieving order dated 20.4.2012 (Ann.A/3).

4. During pendency of this OA, the applicant preferred Contempt Petition No. 45/2012. Since the respondents have filed compliance report and on perusal of the compliance report in pursuance to the CAT-Jaipur order dated 1.5.2012, the respondents kept the transfer dated 20.4.2012 in abeyance. Therefore, the Contempt Petition was dismissed and notices issued were discharged.

5. Now the matter came up for final hearing. Having heard the rival submissions of the respective parties and more particularly, the respondent-Director present in person, it reveals that having considered the fact that enquiry is contemplated against the applicant and that the applicant may not influence the inquiry proceedings while remaining at Jaipur, the order Ann.A/1 has been passed in public interest. It appears that the applicant is habitual to agitate the issues as and when he is transferred out on various grounds. In this matter, since the enquiry is contemplated against the applicant, in such

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eventuality, time and again interference with the transfer order does not warrant looking to the facts and circumstances of the case. Therefore, I am fully satisfied with the action of the respondents and no interference, whatsoever, is required in the transfer order. Even otherwise also, vide order dated 1.3.2012 passed in earlier OA No.546/2011, the respondents were given liberty to pass fresh transfer order in administrative exigency.

6. Consequently, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.

7. The interim stay granted on 1.5.2012 shall stand vacated.



(JUSTICE K.S.RATHORE)
Judl. Member

R/