

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**OA No. 060/00980/2014**

Pronounced on : 4.8.2015

Reserved on : 30.07.2015

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)  
HON'BLE MRS.RAJWANT SANDHU, MEMBER(A)**

Ravinder Sharma, Sr. Assistant, Office of State Transport Authority,  
UT Chandigarh, r/o House No. 1491, Sector 20-B, Chandigarh.

.....Applicant

BY ADVOCATE: **MR. RAJ KAUSHIK**

VERSUS

1. State of UT through its Secretary, Transport. UT Secretariat, Chandigarh.
2. The Secretary, State Transport Authority, Sector 18, Chandigarh.

.....Respondents

BY ADVOCATE: **MR. ROHIT MITTAL PROXY FOR MR.  
RAKESH VERMA**

**ORDER**

**HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-**

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of the order dated 31.10.2014 passed by the Respondent No. 2 vide which the applicant has been ordered to be relieved to join duties in the

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office of Director, Transport, Chandigarh Transport Undertaking which is outside the cadre.

2. By way of interim prayer, it was requested that the operation of the impugned order dated 31.10.2014 be stayed. When the matter came up for hearing on admission on 03.11.2014, the operation of the impugned order was stayed and this position continues till date.

3. Averment has been made in the OA that the applicant was appointed as Clerk in the office of the State Transport Authority, Chandigarh on 08.10.1985 and after availing promotions, has been working as Senior Assistant in the STA since June, 2006. The applicant was earlier transferred vide order dated 19.9.1996 from the Ministerial Establishment of STA to the District Nazar Branch in the Office of Deputy Commissioner, Chandigarh. This order was impugned before the Tribunal by filing OA No. 837/CH/97 and the transfer order dated 19.9.1996 was quashed vide the Tribunal's order dated 20.03.1998 (Annexure A-2). Thereafter, the applicant was implicated in a case in the year 2012 which is pending in the court of law and the applicant had been reinstated in service during the pendency of the case. Now,

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vide order dated 31.10.2014, Respondent No. 2 had passed the order for relieving the applicant for joining the duty in the CTU which was outside the cadre to which the applicant belongs (Annexure A-3). Hence this OA.

4. In the written statement filed on behalf of the respondents, it has been stated that the impugned order dated 31.10.2014 had been issued by respondent No. 2 i.e. Secretary, State Transport Authority with the approval of Advisor to Administrator, Chandigarh Administration and is purely an administrative decision as both the departments, CTU and State Transport Authority are under the control of one authority i.e. Secretary Transport, Chandigarh Administration. The transfer orders were made to streamline the working in the State Transport Authority, Chandigarh as criminal case was registered against the applicant vide FIR/VIG/1/2012, the applicant was placed under suspension w.e.f. 02.04.2012, and reinstated in service on 10.01.2014 during the pendency of the case.

5. Rejoinder has been filed reiterating the content of the OA.

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6. Arguments advanced by the learned counsel for the parties were heard when learned counsel for the applicant drew attention to order dated 17.04.2015 (Annexure P-6) through which one Sh. Bhim Singh who was transferred in the place of the applicant, has been sent back to the CTU. He stated that as per the policy, the applicant could not be posted outside his cadre as had been held in order dated 20.03.1998 (Annexure A-2) and hence the impugned order should be quashed.

7. Learned counsel for the respondents stated that the applicant had been transferred from STA to CTU keeping in view his involvement in a criminal case FIR No. 1 dated 9.2.2012 and it had been decided to post him to a non-public dealing and non-cash handling position. Learned counsel drew attention to Annexure R-1 whereby the proposal of the Secretary, Transport to transfer the applicant had been approved by the Advisor, Chandigarh Administration.

8. We have given our thoughtful consideration to the matter. From the content of Annexure R-1, it is evident that there is provision in the Rules for transferring an official from one office to another. The applicant has been working in the STA since long

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and has come under a cloud. Hence, it was a justified decision on the part of the Administration to shift him to another office where he would not be dealing with the public or handling cash.

9. In view of the above discussion, it is clear that there is no merit in the OA and the same is rejected. No costs.



(RAJWANT SANDHU)  
MEMBER(A)



(SANJEEV KAUSHIK)  
MEMBER(J)

Dated: 4.8.2015  
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