

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 1450/2016

This the 22nd day of August, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Brij Mohan Mittal, Dy. Manager (C&IT),
Aged about 55 years,
S/o Late Sh. Rameshwar Dass Mittal
R/o 2404, Sector 16, Faridabad
Haryana-121002 Applicant

(By Advocate: Ms. Priyanka Bhardwaj for Mr. M.K. Bhardwaj)

VERSUS

Union of India through

1. Steel Authority of India Ltd.
Through its Chairman,
Steel Authority of India Ltd.,
Ispat Bhawan, Lodhi Road,
New Delhi-110003
2. Sh. O.P. Sharma,
General Manager (C&IT),
19th Floor, Scope Minar,
Laxmi Nagar, Distt. Centre,
Laxmi Nagar, Delhi-110092

..... Respondents.

(By advocate: Mr. Satender Kumar for Mr. R.N. Singh)

ORDER (ORAL)

Heard learned counsel for the applicant. The applicant's counsel seeks time to file rejoinder. However, enough time has been granted to file rejoinder. It is stated that the applicant has still

not joined Burnpur, in compliance of order dated 11.04.2016 of the respondents, taking advantage of interim order and thus seeking of adjournment is *prima facia* a ploy on the part of the applicant to continue at Delhi. The whole application is based on the fact that the applicant has some medical problems and that as per the original advertisement issued by Steel Authority of India, he was recruited for headquarters (Delhi) and hence cannot be transferred out.

2. Per contra, learned counsel for the respondents have placed Annexure-1 in reply, the appointment letter in which it is clearly stated that appointee will be eligible to serve anywhere in India. In the appointment letter, it is made clear that the applicant has All India Service liability. The learned counsel for the respondents states that he has been transferred on administrative grounds and on public interest.

3. In view of the law settled by Hon'ble Supreme Court in SC Saxena Vs. Union of India & Ors. (2006 (9) SCC 583) and the fact that there is no malafide on the part of the respondents the OA is dismissed in limine. No costs.

**(P.K. Basu)
Member (A)**

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