

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

O.A. No.4475/2013

This the 6<sup>th</sup> day of September, 2016

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

Shri V V Krishna Sarma  
Administrative Officer  
Song and Drama Division  
Ministry of Information & Broadcasting  
9<sup>th</sup> Floor, Soochna Bhawan  
CGO Complex, Lodhi Road  
New Delhi-110003.

..Applicant

(By Advocate: Shri S N Kaul)

Versus

1. Union of India, Through the Secretary  
Ministry of Information and Broadcasting,  
'A' Wing, Shastri Bhawan  
New Delhi-110001.

2. The Director  
Song and Drama Division  
Ministry of Information and Broadcasting  
9<sup>th</sup> Floor, Soochna Bhawan  
CGO Complex, Lodhi Road  
New Delhi-110003.

3. Shri S C Narwal  
Administrative Officer  
Song & Drama Division  
358, Sector -32A  
Chandigarh.

...Respondents

(By Advocate: Shri S M Arif)

**O R D E R (ORAL)**

Heard the learned counsel for the applicant and the respondents. This OA has been filed with the following prayer:-

“(i) to quash/set aside the impugned order dated 17.12.2013 (Annexure A-1 supra).

(ii) to direct the official Respondents to accommodate the Applicant by posting him in the Delhi Hqrs. Office in accordance with transfer policy or to post him at Chandigarh Regional Office which is nearer to Delhi to dispose the representation dated 26.09.2013 preferred by the Applicant."

2. The applicant has challenged the Order dated 17.12.2013, which reads as under:-

"In supersession of all previous orders of posting and transfers in respect of Sri VVK Sarma-Administrative Officer, Lucknow is hereby relieved from his responsibilities as Drawing & Disbursing Officer, Headquarter, New Delhi, and all other responsibilities at the Headquarter with immediate effect.

Sri VVK Sarma, Administrative Officer, Lucknow is directed to report to the Deputy Director, S&DD, Lucknow Regional Centre.

This order will come into effect immediately."

3. It would become clear from the above order that the applicant is an Administrative Officer at Lucknow and was also discharging the responsibilities of Drawing and Disbursing Officer(DDO), Headquarter, New Delhi. Through this order, the applicant has been relieved of the responsibilities as DDO, New Delhi.

4. The learned counsel for the applicant states that he had requested for transfer from Lucknow to either Chandigarh or Delhi Headquarter. It is stated that the respondents had vide order dated 18.07.2013, transferred the applicant to Song and

Drama Division, Chandigarh. However, it was not given effect to and vide order dated 25.10.2013, he had been given temporary charge for a period of 180 days of Headquarter Office of Song and Drama Division in addition to his charge at Lucknow.

5. The learned counsel states that vide order dated 04.09.2014, one Shri S.C. Narwal, Administrative Officer, Chandigarh has been assigned additional charge to handle court cases at Delhi Headquarters. Vide the same order, the applicant who is Administrative Officer, Lucknow was asked to work under the Supervision of Deputy Director, Delhi Region in addition to Administrative Officer, Lucknow. The applicant, states that he had originally sought posting at either Delhi or Chandigarh and the respondents had indeed posted him to Chandigarh, vide order dated 18.07.2013. Learned counsel for the applicant has further stated that by a subsequent order dated 17.04.2014 the applicant was transferred from Delhi HQ to Song and Drama Division, Chandigarh Regional Centre. The contents of the order are reproduced below:-

“Shri VVK Sarma, Administrative Officer, S&DD, Lucknow, who was on temporary transfer to S&DD, Delhi Hqrs. for a period of 180 days w.e.f. 22.10.2013 and on completion of above said period, is hereby transferred from Delhi Hqrs. to Song and Drama Division, Chandigarh Regional Centre with immediate effect until further orders by considering his request for his transfer to Chandigarh vide his application dated 26<sup>th</sup> September, 2013”

6. The applicant through MA No.1127/2014 sought Stay of the aforesaid order dated 17.04.2014. It is however, now prayed by the applicant that it would suffice if the order dated 17.04.2014 is implemented and he be allowed to continue at Chandigarh. However, since Shri S C Narwal has been given charge at Delhi in addition to his charge at Chandigarh, since two persons cannot draw their pay from the same post, it is prayed that Shri Narwal may be adjusted at Delhi Headquarters.

7. Learned counsel for the respondents brought to my notice, as contained in their reply, that a criminal case FIR No. 150/12 filed on 18.09.2011 under Section 409 of IPC is pending against the applicant in the court of the Metropolitan Magistrate, Saket, New Delhi. Charge sheet has been filed in May, 2013 and the applicant is on bail. The reply also mentions about respondent No.2, without knowing the background of the applicant, had taken sympathetic view and reinstated the applicant in service and granted him posting including the additional charge at Delhi. It is also stated on behalf of learned counsel for the respondents that OA No. 1765/2014 filed by the applicant regarding charge of Drawing and Disbursing Officer was dismissed on 29.08.2016. While dismissing that OA the following order has been passed:-

"5. In view of the above facts, I find that the prayer of the applicant is absolutely unjustified and in fact is complete misuse of judicial forum. I, therefore, dismiss this O.A. and given the background of the applicant and his conduct, I impose a cost of Rs.25,000/-

(Rupees twenty five thousand only). It is very strange that even after taking a stand that the applicant cannot be given powers as DDO due to charges of financial irregularities, the respondents have done so and allowed him to continue as DDO, Lucknow. The Secretary, Ministry of Information & Broadcasting is directed to look into this matter and take a view.

8. Learned counsel for the applicant placed before us a letter dated 20.01.2014 issued by the Director, Govt. of India, Ministry of Information and Broadcasting which is addressed by Director, Song and Drama Division to the Deputy Police Commissioner, (South District) Police Station Haus Khas, New Delhi, regarding the FIR 150/2011, wherein the following has been stated:-

"9. The competent disciplinary authority carried the departmental proceedings against the accused in accordance with CCS (CCA) Rules, 1965 applicable to him and he was fully exonerated with all consequential benefits as the charge against him was not proved. Hence, there is no case for the disciplinary authority to give prosecution sanction. Copy of order dated 16.09.2013 is enclosed.

In view of the above supplementary report may please be prepared to close the matter."

9. Heard the learned counsel for both sides and considered the various orders placed before me. On perusal of order dated 17.12.2013, which has been challenged, by which the applicant has been relieved from the charge of Drawing and Disbursing Officer, HQ, New Delhi, it is clear that it was an additional charge which had been assigned to the applicant, his substantive posting being as Administrative Officer, Lucknow and it is not a transfer order and, therefore, transfer policy could not be invoked. This

temporary arrangement, which had been made by the respondents, was perhaps to accommodate the applicant at Delhi for sometime. The letter dated 20.01.2014 produced by the applicant issued by the Song and Drama Division is perhaps an internal communication between the police and the Song and Drama Division and in my opinion, the Hon'ble Learned Metropolitan Judge will take a view on that while deciding the criminal case. It cannot be disputed that the respondents have the right to assign additional work to any officer for a short time and thereafter relieve him of such additional duties which is exactly what has been done by the order dated 17.12.2013.

10. In view of this, I see no irregularity or illegality in the order dated 17.12.2013.

11. In view of the pending criminal case as well as order passed by this Tribunal in OA No.1765/2014, I refuse to interfere in this matter and the respondents are at liberty to take a view in accordance with administrative exigencies. OA is accordingly, dismissed.

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

/vb/