

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

OA No.4080/2012

New Delhi, this the 8th day of September, 2015

Hon'ble Mr. Justice B.P. Katakey, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Mahender Singh
S/o Late Nanak Singh
R/o 89-C, New Lahore Colony,
Shastri Nagar,
Delhi-31.
2. Hari Shankar Sharma
S/o Sh. Nand Sharma
R/o Qt. No.137, Sector A-5,
Pocket-6, Police Colony,
Narela, Delhi 40.
3. Suraj Bhandari
S/o Sh. Soban Singh
R/o 01, Ashoka Police Line,
Kautilya Marg, New Delhi.
4. Surya Mani
S/o Sh. Dudh Nath,
R/o Sh. Dudh Nath
R/o 01, Ashoka Police Line,
Kautilya Marg, New Delhi.
5. Babita
D/o Sh. Babu Singh
R/o H. No.E-606, Gali No.20,
Ashok Nagar, Shahdara,
Delhi-93.
6. Suku Maya
D/o Late Mangal Bahadur
R/o Type II, MS Flats,
Timarpur, Delhi.
7. Anil Kumar
S/o Sh. Rajay Pal
R/o B-471, Gautam Puri,
Molar Band, Phase-II,
Badarpur, Delhi 44.

8. Yashpal
S/o Sh. Jagdish Chander
R/o A-58, DDA Janta Flats,
Vasant Vihar,
New Delhi 110 057.
9. Ram Naresh
S/o Sh. Mata Prasad
R/o CAN 1529, Nangla Machi,
Pragati Maidan,
New Delhi 110 002.
10. Sohan Beer Bhardwaj
S/o Late Krishan Sharma
R/o House NO.13E, Gali No.26 A,
Molarband Extn., Badarpur,
New Delhi 110 044.
11. Sandeep Kumar
S/o Sh. Vikram Singh,
R/o Flat No.22, 6/16,
Roop Nagar, Delhi.
12. Naveen Bidla,
S/o Sh. Mahavir Singh
R/o S790, Mangol Puri,
Delhi 110 083.

. Applicants.

(By Advocate : Mr. M.K. Bhardwaj)

Vs.

MCD & ors. through:

1. The Director
Local Bodies,
Delhi Secretariat,
IP Estate,
New Delhi.
2. The Commissioner
North Delhi Municipal Corporation
Civic Centre,
New Delhi.
3. The Commissioner
East Delhi Municipal Corporation
Civic Centre,
New Delhi.

4. The Commissioner
South Delhi Municipal Corporation
Civic Centre,
New Delhi.
5. The Deputy Commissioner (DEMS)
Gandhi Mela Ground,
Town Hall,
Delhi.
6. The ADC(HQ)/Incharge
Central Control Room,
Civic Centre,
New Delhi.
7. D. S. Jamwal
Director Enforcement Cell,
Civic Centre, New Delhi. . Respondents.

(By Advocate: Mr. R.K. Jain)

ORDER (ORAL)

By Justice Mr. B.P. Katakey, Member (J);-

Heard Mr. M.K. Bhardwaj, learned counsel appearing for the applicants and also heard Mr. R.K. Jain, learned counsel appearing for the respondents.

2. The applicants have filed this OA praying for declaring the action of the respondents in transferring them from Central Control Room Staff, where they were posted, along with their post on permanent basis as illegal, arbitrary and unconstitutional, apart from declaring the action of the respondents in not treating them as regular Telephone Operators being a part of newly created cadre of Central Control Room Staff as per Resolution No. 517 dated 24.12.2007 and the office order dated 15.02.2008 as illegal and arbitrary. The applicants have also prayed for a direction to the respondents to pay the applicants pay and allowances attached to the post of Telephone Operator from the date of their joining in CCR as Telephone Operator.

3. It has been contended by the learned counsel appearing for the applicants that since the Corporation vide its order dated 24.12.2007 has approved the proposal of creation of separate cadre of Central Control Room staff and accordingly, the applicants were made permanent members of the Central Control Room, they cannot be transferred out of the Central Control Room contrary to the aforesaid Resolution dated 24.12.2007 and the office order dated 15.02.2008.

4. Learned counsel appearing for the respondents submits that the applicants have not annexed any order by which they have been transferred. It has also been submitted that the Corporation consequent upon adoption of Resolution No. 517 dated 24.12.2007 have issued the office order dated 15.02.2008 having regard to the facts and circumstances prevailing at that point of time, which can also be modified.

5. It appears that though the applicants' basic challenge is the respondents' action of transferring them from Central Control Room as illegal, arbitrary and unconstitutional, according to the applicants themselves no transfer order has been passed. The applicants have filed the OA on apprehension of passing of transfer order.

6. In view of the above, we are not inclined to issue any order, as prayed for. However, it is open to the applicants to approach the appropriate forum, if any transfer order is issued. The OA stands dismissed. No costs.

(K.N.Shrivastava)
Member (A)

(B.P. Katakey)
Member (J)