

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 4323/2018

The 27<sup>th</sup> day of November, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Bijender Kumar,  
S/o Shri Suresh Chand,  
R/o 1619, A-1, Gali No.60,  
Naveen Shahdara, Delhi.

.. Applicant

(By Advocate: Ms. Thressiamma K.P. proxy with Shri Gulshan  
Sharma for Shri Sagar Saxena)

Versus

1. The Chief Secretary,  
Government of NCT of Delhi,  
Delhi Secretariat, I.P. Estate,  
New Delhi-110002.
2. Guru Teg Bahadur Hospital  
Through Medical Superintendent,  
Dilshad Garden,  
Shahdara, Delhi.

.. Respondents

(By Advocate: Shri G.D. Chawla for Mrs. Harvinder Oberoi)

**ORDER (ORAL)**

**By Mr. V. Ajay Kumar, Member (J)**

Heard Ms. Thressiamma K.P. proxy for Shri Sagar Saxena,  
learned counsel for the applicant and Shri G.D. Chawla  
representing Mrs. Harvinder Oberoi, learned counsel appeared on  
behalf of the respondents, on receipt of advance notice.

2. The applicant, a Laundry Supervisor under the 2<sup>nd</sup> respondent, filed the O.A. seeking the following relief(s):

- “(a) Quash the impugned order dated 15.02.2017 whereby the applicant was shifted from his original department i.e. the Laundry Department to the Blood Bank;
- (b) Direct the Respondent No.2 to immediately shift the Applicant to his original Laundry Department and;
- (c) Direct the Respondents to conclude the enquiry proceedings initiated against the applicant in 2014 within 6 months after following established procedure and providing all required documents to the Applicant to put forth his defence in detailed manner.
- (d) Award cost of the litigation to the Applicant.
- (e) Such other and further orders as this Hon’ble Tribunal deems fit.”

3. It is the case of the applicant that in connection with certain alleged omissions and commissions of the applicant and in contemplation of disciplinary proceedings, the applicant was placed under suspension vide Annexure A-10 Order dated 12.08.2016. The respondents vide Annexure A-18 Order dated 21.01.2017 revoked the said suspension and, accordingly, the applicant was reinstated as Laundry Supervisor in the Laundry Department. However, thereafter the respondents vide the impugned Annexure A-1 Order dated 15.02.2017 posted the applicant in Blood Bank Department w.e.f. 24.01.2017. It is also submitted that the respondents vide Annexure A-22 Memorandum dated 19.06.2017 issued the charge-sheet and the enquiry is under process.

4. The learned counsel for the applicant submits that the applicant was originally working as Laundry Supervisor in the Laundry Department and the respondents illegally posted the applicant vide the Annexure A-1 Office Order dated 15.02.2017 in Blood Bank department, where there is no work for the applicant, who is a Laundry Supervisor.

5. When a Govt. servant alleged to have committed any misconduct and when the authorities contemplated enquiry against him, there are two ways before his employer, one is to place the person under suspension or to transfer him from the present place for conducting the enquiry smoothly and effectively. The respondents have initially placed the applicant under suspension, but later revoked the said suspension. However, they thought it fit that the applicant should be transferred from the present place for effective conclusion of the enquiry proceedings. Hence, we do not find any illegality or irregularity in posting the applicant in Blood Bank Department. It is even as per the applicant's counsel herself that the enquiry is still proceeding actively and the examination of witnesses is under process.

6. In the circumstances and for the aforesaid reasons, we do not find any merit in the O.A. and, accordingly, the same is dismissed.

However, we are sanguine that the respondents shall complete the enquiry pending against the applicant and pass final orders as early as possible but not later than six months from the date of receipt of a certified copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

**(A.K. BISHNOI)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

*/Jyoti /*