

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 27th day of April Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

C.P.310/00010/2018

in

O.A.310/00460/2018

Mr. A. Rajendran,
S/o. K. Apparasu,
No.2, Second Cross,
Thirumudi Nagar,
Puducherry- 605 001.

.....Applicant

(By Advocate : M/s. J. Srinivasa Mohan)

VS.

1. Shri Ashwani Kumar, I.A.S,
Chief Secretary to Government,
Government of Puducherry,
Puducherry;
2. Shir A. Anbarasu, I.A.S.,
Secretary to Government (Personnel and Works),
Department of Personnel and Administrative Reforms,
Chief Secretariat,
Puducherry;
3. Mr. V. Shanmugasundaram,
The Chief Engineer,
Public Works Department,
Puducherry;
4. Mr. P. Vaitianadin,
The Engineer Assistant to Chief Engineer,
Central Office,
Public Works Department,
Puducherry.

... ..Respondents

(By Advocate: Mr. Syed Mustafa)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard both sides. The Contempt Applicant submits that the applicant was transferred to NCC Group (HQ), Lawspet, Puducherry which was challenged in O.A. No 460 of 2018. This Tribunal by a common order dated 03.04.2018 in O.A 460 & 461/2018 directed the Chief Secretary to have the matter inquired into by an authority above those who were alleged to have been vindictive towards the applicants pending which the operation of the transfer order was directed to be held in abeyance. A Memorandum dated 25.4.2018 was issued in pursuance thereof by the second respondent department by order of the Chief Secretary reiterating the transfer, aggrieved by which, this Contempt Petition has been filed.

2. It is submitted that the said Memorandum disposing of the applicant's grievance made no mention of the merits of the allegations contained in the applicant's representation. On the other hand, it is simply a narration of the grievance on the one hand and the comments/response of the department concerned on the other. As such, the disposal of his representation in this manner is contemptuous as the order is nonspeaking, it is alleged.

3. Counsel for the respondents submits that the applicant is of the level of 'Assistant' and it is not expected that the Chief Secretary would personally look into the matter nor does the order of this Tribunal require him to do so. The applicant's grievance was essentially against the Chief Engineer and, therefore, the Secretary PWD was the competent authority to look into the matter and redress his grievance. The PWD looked into the matter and appraised the Chief Secretary of the facts following which the Memorandum

came to be issued in compliance of the directions of the Tribunal by order of the Chief Secretary. As transfer is an incidence of service, the applicant did not have any right to continue on his present post indefinitely and further he had served long enough on his present post, it was observed that there was no irregularity in the transfer order per se. He would, however, add that the issue of inquiring the irregularities alleged by the applicant was still open and the applicant's complaint would be inquired into by an impartial authority, once the applicant is able to substantiate his allegation with prima facie documentary or other evidence. As there is no contempt, the CA is liable to be dismissed, he contends.

4. I have considered the matter. As the respondents have passed an order in compliance of the order of this Tribunal, it is difficult to hold that there was any wilful disobedience on their part, especially when it is submitted that the matter regarding inquiring into the grievance of the applicant was not closed and the applicant was at liberty to pursue it with the Secretary, PWD and Finance Secretary along with supporting evidence.

5. At this stage, learned counsel for the Contempt Applicant expresses an apprehension that the applicant may not be allowed to report for duty at the office to which he had been transferred in view of the lapse of time. Learned counsel for the respondents, however, assures that the applicant would face no such difficulty. Recording the statements, the Contempt Application is closed and notices discharged.

(R. RAMANUJAM)
MEMBER(A)

27.4.2018

asvs.