

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/021/144/2017  
Date of Order: 14.09.2018**

Between:

S. Vijay Kumar,  
Technical Officer 'A',  
ID No.22116,  
Works Division,  
DLRL, Hyderabad – 500 005.

.... Applicant

AND

1. The Union of India  
rep. by its Principal Secretary,  
Ministry of Defence,  
South Block,  
New Delhi – 110 011.
2. The Director, DLRL,  
Present: Dr. C G Balaji,  
Distinguished Scientist,  
DLRL Chandrayanagutta Lines,  
Hyderabad – 500 005.
3. The Director of Management Service (DOMS),  
Present: Mr. D.P. Rao,  
Scientist G,  
DLRL Chandrayanagutta Lines,  
Hyderabad – 500 005.
4. The Wing Head (Works Division),  
DLRL Chandrayanagutta Lines,  
Hyderabad – 500 005.
5. The Chairman and Secretary, DRDO,  
DRDO Bhawan,  
New Delhi – 110 011.

.... Respondents

Counsel for the Applicant : Mr. Uday Vir Singh Laur  
Counsel for the Respondents : Mrs. K. Rajitha,  
Sr. CGSC.

CORAM :

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN  
THE HON'BLE MR. B.V. SUDHAKAR, MEMBER (A)

**ORAL ORDER**

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant served the Indian Army and after retirement from the Army, he was appointed as Senior Technical Assistant 'B' in the D.L.R.L., a Defence Organisation, on 21.05.2009. Thereafter he was promoted to Grade 'A' in September, 2014 and he was discharging his duties in the Works Division.

2. Through Order dated 18.02.2016, the O/o the 2<sup>nd</sup> Respondent transferred the applicant to Security Division. This O.A. is filed challenging the order dated 18.02.2016.

3. The applicant contends that ever since his appointment in the Respondent's organization, he was entrusted with only the duties of Technical Division and though he is not conversant with the security aspects, he has been transferred to the Security Division. It is also stated that despite his

representations and the difficulty he was to be exposed, the Respondents persisted in his being shifted to the Security Division. The applicant further contends that throughout this period, the Respondents have removed his name from the digital apparatus which records attendance and have also stopped the salary. It is in this context, the applicant challenged the impugned order.

4. The Respondents have filed a detailed counter. It is stated that the duties are not specific for the post held by the applicant and the impugned order itself discloses that the officials can be interchanged within various Wings. The removal of the name of the applicant from the digital apparatus as well as stoppage of salary is said to be on account of failure of the applicant to discharge his duties.

5. Heard Shri Uday Vir Singh Laur, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the Respondents.

6. The principal ground urged by the applicant in challenging the impugned order is that the post in which he was appointed, does not carry security related duties. However, he is not supported by any document to that effect. On the other hand, the impugned order itself provides intrinsic evidence to the contrary. For example, item No.2 in the impugned order indicates that Shri K. Lokeswara Reddy, TO-B, who was working in the

Security Division was transferred to Mechanical Engg. Group. In the case of the applicant it is virtually the reverse. Therefore, the contention of the applicant cannot be accepted.

7. The stoppage of salary or refusal to mark attendance is referable to the absence of the applicant from the duties.

8. Across the bar, Smt. K. Rajitha, learned Senior Standing Counsel submits that the applicant has since joined the duties and is being paid salaries and extended other benefits.

9. For all practical purposes, the O.A. has become infructuous. We, therefore, dismiss the O.A. However, we leave it open to the applicant to submit representation as regards payment of salary for which he was denied. On such a representation being made, the Respondents shall pass appropriate orders. There shall be no order as to costs.

**(B.V.SUDHAKAR)**  
**MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

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