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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

16

C.P.C. 99
O. A. No. 350/00 9/6

of 2017
of 2017

IN THE MATTER OF:

DEBOJIT ROY,

son of Shri Haradhan Roy, aged about 54 years, residing at 43, Satya Narayan Pally, South Behala Road, Kolkata- 700061 and working as Assistant Engineer (Quality Assurance) against a non-sensible post in the office of the Senior Quality Assurance Establishment (Vehicles) Kolkata, Government of India, Ministry of Defence, DGQA Complex, Hastings, Kolkata-700022;

...Applicant

-Versus-

1. UNION OF INDIA service through the
Secretary, Ministry of Defence,
Department of Defence Production, New
Delhi, Room No. 136, South Block,
Nirman Bhawan, New Delhi-110011.

2. THE DIRECTOR GENERAL, Directorate
General of Quality Assurance (DGOA)
Organisation, Government of India,

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Ministry of Defence, Room No. 308-A, D-
Wing, Sena Bhawan, Nirman Bhawan,
New Delhi-110011;

3. THE SECRETARY, Department of
Personnel & Training (DoP&T), South
Block, New Delhi- 110001.

4. THE ADDITIONAL DIRECTOR
GENERAL OF QUALITY ASSURANCE
(VEHICLES) in the office of Directorate
General of Quality Assurance (DGOA)
Organisation, Government of India,
Ministry of Defence, Room No. 308-A, D-
Wing, Sena Bhawan, Nirman Bhawan,
New Delhi-110011.

5.. THE SENIOR QUALITY ASSURANCE
OFFICER in the office of Senior Quality
Assurance Establishment (Vehicles)
Kolkata, Government of India, Ministry of
Defence, DGQA Complex, Hastings,
Kolkata-700022.

...Respondents.

WLC

No. CPC. 350/00079/2017
O.A. 350/00916/2017

Date of order: 16.8.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. P. Mukherjee, Counsel

O R D E R (Oral)

Nandita Chatterjee, Administrative Member:

The matter has been taken up in the context of CPC. No. 350/00079/2017 arising out of O.A. No. 350/00916/2017 and in the matter of an application of Contempt of Court Act, 1971.

2. Heard Ld. Counsel for both sides.
3. The case of the petitioner/applicant is that, vide order dated 29.6.2017, the following order was passed by this Tribunal:-

" xxxxxxxx

So far as the interim prayer is concerned, as the factual aspects are not available with me, I cannot grant any stay of the said transfer order. Status quo on date in so far as the applicant's continuance in the present post of posting would be maintained until further orders. However, the respondents are granted 2 weeks time to file any petition for modification or alteration of the order, if so desire.

xxxxxxxxxx"

4. The petitioner's Counsel further argued that vide transfer order dated 24.3.2017 issued by the Director General Quality Assurance, Ministry of Defence, Government of India, the petitioner / applicant had been transferred from office of Sr. Quality Assurance Establishment (Vehicles), Kolkata to Headquarters Office of Directorate of Quality Assurance (Vehicle), New Delhi and that such transfer is in utter violation of the transfer policy introduced by the Ministry of Defence dated 24.11.2016 read with Office Order dated 10.2.2017. The Counsel for the petitioner/applicant

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further informed that after receiving the certified copy of the order dated 29.6.2017, the applicant reported to the Office at Kolkata and submitted joining report before the Sr. Quality Assurance Officer in the Office of Sr. Quality Assurance Establishment (Vehicles), Kolkata, Government of India, Ministry of Defence and that, vide letter dated 30.6.2017, the petitioner prayed that he may be allowed to resume his duty in Kolkata Office. It was also contended that the petitioner/applicant's salary has been withheld illegally and that it is a deliberate attempt on the part of the contemnors/respondents to flout the orders of the Tribunal in an illegal manner.

5. The case of the contemnor/respondent as submitted by their Ld. Counsel is that consequent to the transfer order dated 24.3.2017, a movement order had been issued. The movement order was issued on 23.6.2017 with the direction that officer concerned will be relieved of his duties on 27.6.2017. That on 23.6.2017 it has been recorded by the office of SSO (I) of Sr. Quality Assurance Establishment (V) that the movement order dated 23.6.2017 had been sent to the official by speed post as well as by e-mail.

6. The case of the contemnor/respondent is also that the individual officer did not report to office on 22nd and 23rd June, 2017 and as admitted by the petitioner/applicant himself, he had applied for leave on 27.6.2017.

7. It is seen that there was no order from the Tribunal staying any movement order of the respondent authorities, neither was there any stay granted to the impugned transfer order dated 24.3.2017.

8. The Tribunal had specifically directed that status quo as on date in so far as the applicant's continuance in the present place of posting would be maintained until further orders. Lexicologically speaking, Status quo

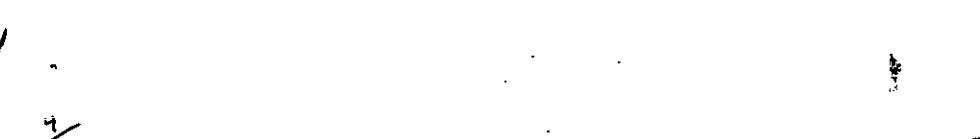
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refers to "the situation that currently exists."

9. In this case, the situation that currently existed in the case of the petitioner as on 29.6.2017 was that he had been relieved on 27.6.2017 by a movement order dated 23.6.2017 which was communicated to him vide speed post as well as e-mail. The fact that the petitioner chose not to attend office on 22.7.2017, 23.7.2017 and 27.7.2017 is not germane to decision in this matter.

10. Hence, as the status of the petitioner/applicant as on 29.6.2017 was that of a relieved official, the CPC is not maintainable and is, accordingly, dropped. The O.A. be listed on 24.10.2017.


(Dr. Nandita Chatterjee)
Administrative Member


(A.K. Pattnaik)
Judicial Member

SP