

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.624/2017.

Date of Decision: 25.10.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Poppat Jagannath Yadav,
 Aged about 43 years,
 S/o. Jagannath Kerba Yadav,
 Residing at Survey No. 8, Taljai Pathar
 Dhankawadi, Pune- 411 043
 employed as Multi Tasking Staff in
 National Defence Academy
 Khadakwasla Pune 411023. ***... Applicant.***
(Advocate by Shri. P.J. Prasadrao)

Versus

1. Union of India,
 Through the Secretary
 Defence South Block, New Delhi 110 011.

2. Headquarters, Integrated Defence Staff
 Ministry of Defence, Department of Personnel
 Kashmir House, Rajaji Marg,
 New Delhi 110011.

3. The Commandant,
 National Defence Academy
 Khadakwasla Post, Pune 411023. ***... Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard
 Shri P.J. Prasadrao, learned Advocate for the Applicant. We have
 carefully gone through the entire case record.

2. The Applicant who is presently working as Multi
 Tasking Staff in the office of Respondent No.3 has grievance
 regarding the impugned Inter-posting order dated 10.06.2017

issued by Security Section, Administration Branch of the respondents by which he is spared from Security Section w.e.f. 10.06.2017 to another unit as a groom to take care of horses and his stables. The following reliefs are, therefore, sought in this OA;

“8.a To allow this OA.

8.b This Hon'ble Tribunal be pleased to quash and set aside the order dated 10.06.2017 ordering inter-posting to ETT Section.

8.c Direct the respondents to post the applicant to the Security Section or any other section wherein duties of MTS can be allotted to him.

8.d Any other or further order(s) may be passed in the interest of justice.

8.e Cost of this application may be granted in favour of the applicant.”

3. It is obvious from record that the inter unit transfer is challenged, which in fact cannot be termed as transfer in strict sense, since it is only replacement from one unit to other. According to applicant, he has not undergone any training to work as a groom to take care of the horses and stables and according to him the Model Recruitment Rules for the post which were in Group 'D' scales prior to 6th Pay Commission and which have been placed in Group 'C' PB-1 Rs.5200-20200 + Grade Pay of Rs.1800 do not permit such placement. However, perusal of the said Recruitment Rules and Annexure A-2 thereof which contains designation and indicative list of duties of Multitasking Staff, various specific duties are prescribed such as Maintenance of

record, General cleanliness, Carrying of files, Photocopying, Other non-clerical work in the Section, Delivery of dak, Cleaning of rooms, Dusting of Furniture, Driving of Vehicles, Upkeep of parks, lawns etc. However, it also contains a residuary clause as any other work assigned by the superior authority.

4. It is stated by the learned Advocate for the applicant that in pursuance of the impugned order, he has joined the duty in the new unit. However, he is unable to perform the work assigned to him there as groom to take care of horses and stables, since he has not undergone training for such work. He submitted representation dated 19.06.2017 (Annexure A-11), followed by another representation dated 29.07.2017 (Annexure A-14) and lastly representation dated 07.08.2017 (Annexure A-15) for redressal of his grievance. In view of this, it is for the respondents to take a decision on the said representations for replacement of the applicant from present unit to any other unit.

5. Considering the peculiar facts of the case, we are of the considered view that ends of justice will be better served, if appropriate directions are issued to the respondents in the matter.

6. Respondent No.3 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representations dated 19.06.2017 (Annexure A-11), 29.07.2017 (Annexure A-14) and 07.08.2017 (Annexure A-15) of the applicant in accordance with law, within a period of six weeks from date of receipt of certified copy of this order .

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

8. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

9. ***DASTI.***

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.