

**Central Administrative Tribunal
Principal Bench**

OA No.1591/2019

New Delhi, this the 21st day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Sh. Gurnam Singh, Sc.E, Group A,
Aged about 55 years old
S/o Shri Jag Ram,
R/o 216, Golden Jubilee apartment,
Sector-11, Rohini,
New Delhi-110085.

...Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Central Pollution Control Board,
Through its Chairman,
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110032.
2. Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110032.

...Respondents

(By Advocate : Shri Rajeev Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant is working as Scientist 'E' in the Central Pollution Control Board, the 1st respondent herein. He was holding the post of Divisional Head,

Industrial Pollution Control-I at Delhi. Through order dated 30.04.2019, the administration effected several transfers. The applicant was transferred to the post of Divisional Head, Air and Instrumental Laboratory, in the same establishment. This OA is filed challenging the order of transfer.

2. The applicant contends that he is basically from the discipline of Engineering and the post to which he has been transferred, is mostly in the scientific field. He states that it would be difficult for him to handle the functions referable to the post to which he has been transferred. Another contention is that the post to which he has been transferred is to be held by officers of lower category, than Scientist 'E'. He is said to have made representations to the concerned authorities with a request to cancel the transfer.

3. We heard Shri M.K. Bhardwaj, learned counsel for applicant and Shri Rajeev Kumar, learned counsel for respondents.

4. Through the impugned order, as many as 10 Officers/Scientists were transferred. The transfers are in terms of the assignment of different duties in the same

establishment. The applicant was not moved out of Delhi. Further, he has been made Divisional Head of a new establishment. Though, it is pleaded that the said post was held by an officer of lesser description, nothing is placed before us to establish that the post is required to be handled by an officer of a particular rank. The applicant, being a Scientist 'E', cannot plead that it is difficult for him to handle Laboratories. Further, being a Divisional Head, he is not required to conduct any experiment or test by himself. He has to oversee the performance in the Laboratories. Being a Scientist, he has to upgrade his knowledge and, if necessary, take the help of other experts. He cannot shy away from the responsibility, being in such a high position.

5. We do not find any merit in the OA and the same is, accordingly, dismissed. However, dismissal of the OA, does not preclude the respondents from considering the representations made by the applicant.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

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(Justice L. Narasimha Reddy)
Chairman