

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No. 74 of 2019 In
O.A No. 2384 of 2018**

New Delhi, this the 12th day of April, 2019

Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Sanjay Chutani,
S/o. Late Sh. Hari Chand,
Working as Office Superintendent,
DRM Office, New Delhi.
R/o. 16A, Plot No. 40, Jhung Society,
Sector-13, Rohini, New Delhi. ...Petitioner

(By Advocate : Mr. Yogesh Sharma)

Versus

Sh. T. P. Singh,
General Manager,
Northern Railway,
Baroda House, New Delhi. ...Respondent

(By Advocate : Mr. V. S. R. Krishna with Mr. Shailendra Tiwary)

ORDER (ORAL)

Hon'ble Sh. V. Ajay Kumar, Member (J)

O.A No. 2384 of 2018 filed by the applicant was
disposed of by this Tribunal on 27.11.2010 as under:-

“15. In the totality of the facts and circumstances and for the aforesaid reasons, the OA is allowed and the impugned orders are quashed and the 2nd respondent-General Manager is directed to pass fresh order keeping in view our observations and also by considering the possibility of transferring the applicant, to any other place within the same Division. This exercise shall be completed within one month from the date of receipt of a certified copy of this order. In the circumstances, the period between the relief

of the applicant to till the date of passing of fresh order by the 2nd respondent, shall be treated as any admissible leave of the applicant, as per rules. No order as to costs.”

2. Alleging non implementation of the aforesaid order the applicant in the O.A filed the instant C.P.

3. Respondents filed compliance affidavit in the C.P. where under they have stated that they have complied with the orders of this Tribunal and passed a speaking order on 11.01.2019 and the relevant paragraphs of the said orders read as under :-

“(b) The reasons and circumstances which necessitated the transfer in this case are well known to the applicant as will be revealed from his own submissions before the Hon’ble Tribunal and it is also a fact evident from the records in General Manager’s office as well as the Division office that the decision to transfer was taken only after detailed enquiry and scrutiny at all the level of all concerned strictly in accordance with the prescribed statutory rules/procedures on the subject. Hence the transfer order was only after a conscious decision taken by the Competent Authority.

(c) As regards the third aspect of posting place on transfer, the possibility of considering his posting on Delhi Division, some other place was duly explored as per directions of Hon’ble Court. The applicant is working as an Office Superintendent in Commercial Branch of the Division which is as administrative office and there are no other such posting places available where he can be accommodated on the Division or where his services can be profitably utilized. However, taking a fresh consideration in compliance of the Hon’ble Tribunal’s directions, the applicant is now transferred along with post to Moradabad Division.

Applicant be advised accordingly.

In view of the above, necessary action may be taken at your end and compliance be filed before the Hon’ble Court to avoid contempt of case.”

4. Heard both sides.

5. The petitioner's counsel submits that though the respondents passed a speaking order but they have not followed the observations made by the Tribunal while passing the said order.

6. On the other hand, learned counsel appearing for respondent submits that they have fully complied with the orders of this Tribunal by keeping in view the observations of the Tribunal however, in public interest and in the administrative exigencies, could post the applicant in Moradabad Division, which is nearer to Delhi Division.

7. In the circumstances and in view of the substantial compliance, we are satisfied that there is no wilful disobedience of the orders of the Tribunal by the respondents. Accordingly, the C.P. is closed. Notices are discharged. However, the petitioner is at liberty to avail his remedies in accordance with law, if he is still aggrieved with the orders now passed by the respondents. No costs.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

/Mbt/