

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.1623/2019

Wednesday, this the 29<sup>th</sup> day of May 2019

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

Anil Kumar Gautam  
Assistant Director, Group A  
s/o late Sh. Vipat Ram  
address – 210, B/2, Bindal House  
Munirka Village, New Delhi  
Aged about 25

..Applicant

(Ms. Ruben Philip, Advocate)

Versus

1. Union of India through its Secretary  
Ministry of Law & Justice  
(Department of Legal Affairs)  
Shastri Bhawan, New Delhi – 110 001
2. The Secretary, Group A  
Ministry of Power,  
Govt. of India  
Rafi Marg, Shram Shakti Bhawan  
New Delhi – 110 001
3. The Chairperson  
Group A  
Central Electricity Authority  
Govt. of India  
36, Sector 5  
Rama Krishna Puram, New Delhi – 110 066
4. The Member Secretary,  
Group A  
Northern Regional Power Committee  
8-A, Shaheed Jeet Singh Marg  
Katwarai Sarai, N, R K Puram  
New Delhi – 110 016
5. Prakash Ekka  
Group A  
Under Secretary (P)

Ministry of Power  
Rafi Marg,  
Shram Shakti Bhavan  
New Delhi – 110 001

..Respondents  
(Mr. N K Aggarwal, Advocate for respondent Nos. 1 & 2)

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant is working as Assistant Director in the Central Electricity Authority, the 3<sup>rd</sup> respondent herein. On a complaint submitted against him, alleging acts of sexual harassment, Internal Complaints Committee (ICC) was constituted, which, in turn, examined the matter to certain extent. Report was submitted by the ICC on 11.10.2018, wherein it was suggested that the applicant be moved out of the Headquarters, at least for a period of two years. Obviously, keeping that in view, the respondents included the name of the applicant in the list of employees to be transferred in their office order dated 24.12.2018. He has been transferred to ERPC, Kolkatta. The same is challenged in the instant O.A.

2. The applicant contends that the very constitution of the ICC was objectionable and the report was submitted, even after the concerned employee had withdrawn the complaint. It is also stated that it would be difficult for him to work at Kolkatta.

3. The O.A. was listed on earlier occasion and we directed the learned counsel for respondents to obtain instructions. We

heard Ms. Ruben Philip, learned counsel for applicant and Mr. N K Aggarwal, learned counsel for respondent Nos. 1 & 2.

4. The applicant is transferred from NRPC, Katwaria Sarai, Delhi to ERPC, Kolkatta through order dated 24.12.2018. A perusal of the same discloses that as many as 15 employees were transferred and except the applicant herein and one Mr. D K Bauri, Deputy Director, ERPC, Kolkatta, rest of them were adjusted in Delhi itself, i.e., between one seat to another or one office to another. Mr. D K Bauri is transferred from ERPC, Kolkatta to NRPC, Katwaria Sarai, Delhi, in place of the applicant.

5. We certainly feel that the applicant was singled out in the context of transfers and he was shifted to a distant place. That, however, was done on the basis of observations made by the ICC. The question as to whether any further action was warranted on the basis of the report of ICC, in case the complaint was withdrawn by the complainant, needs to be considered at a later stage, by an appropriate authority. In the given circumstances, it is in the interest of the organization that the applicant is shifted from Delhi. The applicant contends that there are vacancies in the office at Mumbai and his case may be considered for that. Since it is an extraordinary transfer, the respondents are required to bestow their attention to reduce the hardship to the applicant, to the minimum extent.

6. We, therefore, dispose of the O.A. directing the respondents to consider the feasibility of transferring the applicant to any nearer place to Delhi, or to Mumbai, within a period of fifteen days from the date of receipt of a copy of this order. Till such time, he shall not be compelled to join at ERPC, Kolkatta. There shall be no order as to costs.

Order **dasti**.

( **Aradhana Johri** )  
Member (A)

( **Justice L. Narasimha Reddy** )  
Chairman

**May 29, 2019**  
/sunil/