

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**O. A. NO. 3149/2003**

**Wednesday, this the 31st day of December, 2003**

**Hon'ble Shri S. K. Naik, Member (Admn.)**

Rajdulari Gupta  
Librarian, Pusa Polytechnic  
Pusa Road, New Delhi  
r/o 30/1556, Naiwala Karol Bagh,  
New Delhi-5

..Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Lt. Governor of Delhi  
Govt. of NCT of Delhi  
Raj Niwas Marg, Delhi
2. Chief Secretary  
Govt. of NCT of Delhi  
Secretariat, Near IG Stadium  
ITO, Delhi
3. Secretary-cum-Director  
Directorate of Training & Technical  
Education, Muni Maya Ram Marg  
Pitam Pura, Delhi-34
4. Joint Secretary (Training & Technical  
Education) Deptt. of Training &  
Technical Education,  
GNCT, Maya Muni Ram Marg, Near TV Tower  
Pitam Pura, Delhi-88
5. Assistant Director (SB)  
Deptt. of Training & Technical Education  
GNCT, Maya Muni Ram Marg, Near TV Tower  
Pitam Pura, Delhi-88
6. Principal  
Pusa Polytechnic  
Pusa Road, New Delhi-12

..Respondents

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

Heard the learned counsel for applicant. He has submitted that the respondents have been taking a contradictory stand with regard to the appointment of the applicant in that while at times they have been saying that the appointment of the applicant was for College of Pharmacy (a degree level Institution), she has been

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posted in Pusa Polytechnic as a Librarian. The main issues pending before a Division Bench in OA-2127/2000. He has contended that in order to make the said OA infructuous, the respondents have issued order dated 26.12.2003 transferring the applicant from Pusa Polytechnic to College of Pharmacy and she has been asked to be relieved from the serving Institution to join the new Institution on the same date. No reasonable time has been provided to approach the Courts in the matter.

2. The short point involved in this case relates to the stay of the order of transfer. Learned counsel has forcefully argued that unless the order of transfer is stayed, the main issue pending before a DB of this Tribunal will become infructuous. He has also contended that he did make a submission in this respect before ~~the~~ DB, who had directed the matter to be placed before a SB since it pertains to transfer.

3. I have considered the matter carefully. It is not denied that the initial appointment of the applicant was as Librarian to the College of Pharmacy and she has, vide the impugned order, now been transferred to College of Pharmacy (Pharmaceutical Sciences & Research). The fact that she was in the interregnum period posted in Pusa Polytechnic has to be treated as an incidence of service. In any case, if the main dispute is related to the grant of a particular pay scale, whatever be the decision of the DB, appropriate relief will be <sup>admissible to</sup> ~~given~~ to all the Librarians and the transfer of the applicant is not going to materially affect her interest, insofar as

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the grant of pay scale is concerned, which will be adjudicated upon by the DB.

4. During the time of arguments, learned counsel has also stated that the respondents are resorting to the transfer as a measure of harassment so that the applicant is forced to withdraw OA-2127/2000. He has contended that the transfer is being ordered outside the cadre of the applicant, as reflected in para 4.3 of the counter reply filed by the respondents in OA-2127/2000. As stated above, the transfer is an incidence of service and I do not see any direct connection with the issue pending before the DB and transfer of the applicant raised in the present OA. The applicant was appointed as a Librarian in the College of Pharmacy vide Annexure A-3 and has been brought back to the Institution after having been appointed in the Pusa Polytechnic for certain period. Learned counsel has brought to my notice the counter reply filed by the respondents in OA-2127/2000 in which they have been shifting their stand and have stated that the applicant belongs to the Pusa Polytechnic cadre. However, I find that the limited issue before me is as to whether the transfer, which has been ordered by the respondents, has been ordered to harass the applicant. As stated earlier, I do not see any connection between the matter pending before the DB and the order of transfer which in any case has been done to the cadre to which the applicant was originally appointed. Under the circumstances, I do not find any good reason to interfere with the transfer order passed by the respondents.

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5. OA, in the circumstances, is dismissed. However, the applicant is granted three days' time to join the College of Pharmacy where she has been transferred.

*S. K. Naik*  
( ~~S. K. Naik~~ )  
Member (A)

/sunil/