

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**ORIGINAL APPLICATION NO. 060/731/2019 &
M.A. NO. 60/1181/2019**

Chandigarh, this the 18th day of October, 2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER
(A)**

1. Pritima Srivastava, IFS, aged 48 years, d/o Dr. V.S. Srivastava, presently working as Chief Conservator of Forests, Department of Forests and Wildlife Preservation, Government of Punjab, Forest Complex, Sector 68, SAS Nagar Mohali 140308.
2. Tushar Kanti Behera, IFS, aged 46 years, s/o Sh. Ganeswar Behra, presently working as Chief Conservator of Forests, Department of Forests and Wildlife Preservation, Government of Punjab, Forest Complex, Sector 68, SAS Nagar Mohali 140308. (All Group-A).

....APPLICANT

(By Advocate: Shri Aseem Rai,)

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Environment, Forests and Climate Change, Parivarayan Bhawan, CGO Complex, Lodhi Road, New Delhi 110003.
2. State of Punjab through the Additional Chief Secretary, Department of Forests and Wildlife Preservation, Government of Punjab, Mini Secretariat, sector 9, Chandigarh 160009.
3. Principal Chief Conservator of Forests, Department of Forests and Wildlife Preservation, Government of Punjab, Forest Complex, Sector 68, SAS Nagar (Mohali) 140308.
4. Shailender Kaur, IFS, presently working as Director Horticulture (on deputation), Kheti Bhawan, 3rd Floor, Sector 56-A, SAS Nagar (Mohali) 160055.
5. Charchil Kumar, IFS, c/o Department of Forests and Wildlife Preservation, Forest Complex, Sector 68, SAS Nagar Mohali-140308.

....RESPONDENTS

By Advocate: Shri Sanjay Goyal for respondent no. 1

Ms. Anu Chatrath, Sr. Advocate with Mr. Rakesh Verma, Deputy Advocate General, for State of Punjab, (Respondent no. 2-3)
Mr. Rohit Seth, for respondent no. 4
Respondent no. 5 in person.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

Heard.

2. The applicants in this Original Application (O.A.) have laid a challenge to order dated 13.6.2019 (Annexure A-6), whereby private respondent no. 4 & 5 have been promoted to the post of Chief Conservator of Forests, and order dated 27.6.2019 (Annexure A-8) whereby applicant no. 1 has been transferred/posted against a non-existent/nor-cadre post.
3. On notice, respondents have put in appearance.
4. Ms. Anu Chatrath, learned Sr. Advocate appearing with Mr. Rakesh Verma, DAG of State of Punjab (respondent no. 2 & 3) vehemently argues that so far as claim of applicant no. 1 is concerned, the O.A. is not maintainable as the applicants have no locus to challenge that order as they have failed to show any prejudice caused to them. They cannot challenge the order by this O.A. as a Public Interest Litigation because the same is not maintainable before this Tribunal. With regard to second prayer of the applicants, she argues that pending O.A. the order impugned by the applicants against their transfer

has since been cancelled by the State of Punjab and, therefore, the O.A. be disposed of accordingly.

5. On the other hand, Mr. Aseem Rai, learned counsel appearing for the applicants submitted that qua transfer this O.A. be disposed of, but the applicants be given a liberty to challenge the order dated 27.06.2019 (Annexure A-8) by filing a separate O.A. at later stage. This prayer has been opposed by the learned counsel for respondents on the ground that they cannot challenge this order before this Court unless they show any prejudice caused to them on their promotion.

6. Having deeply considered the crux of the pleadings, projected grounds and the aforesaid prismatic reasons, we are of the view that qua relief of transfer this O.A. has rendered infructuous as State of Punjab itself has withdrawn order of transfer. Qua second relief, present O.A. is not maintainable as applicants cannot agitate the matter before this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 without there being any order prejudicial to their rights as such they do not fall within the term 'person aggrieved' under Section 19 (1) of the A.T. Act, 1985. They have, therefore, no locus to challenge that order before this Court else it would amount to Public Interest Litigation. It is settled law that Public Interest Litigation is not maintainable before this Tribunal. Reference in this regard is made to decision in

the case of **R.K. Jain vs Union of India & Ors**, 1993 SCC (4) 119, **Dr. Duryodhan Sahu & Ors. vs Jitendra Kumar Mishra** (998) 7 SCC 273 and **Hari Bans Lal vs Sahobar Prasad Mahto & Ors**, 2010 (10) RSJ 407. Accordingly, the O.A. is disposed of in the aforesaid manner. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 18.10.2019

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