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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 234/2016**

BUREAU OF INDIAN STANDARDS

..... Appellant

versus

ROSY DHAWAN & ANR.

..... Respondents

AND

+ **LPA 235/2016**

BUREAU OF INDIAN STANDARDS

..... Appellant

versus

MANISH KUMAR & ANR.

..... Respondents

Present: Mr.B.K.Sood and Mr.Shivom Rawat, Advocates for the
appellant.

Mr.Ajit Warriar and Mr.Dushyant Manocha, Advocates
for Respondent no.1.

Mr.Dev P.Bhardwaj, Central Government Standing
Counsel for UOI/Respondent no.2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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18.04.2016

**C.M.Nos.13309/2016 in LPA 234/2016 & 13318/2016 in LPA
235/2016 (for exemption)**

Exemption is allowed subject to just exceptions.

Applications stand disposed of.

**LPA 234/2016 with C.M.13308/2016 (for stay) &
LPA 235/2016 with C.M.13317/2016 (for stay)**

1. The appellant is aggrieved by the orders of the learned Single
Judge of 18.01.2016 and 15.03.2016. In a nutshell the appellant's

grievance is that the learned Single Judge should not have granted interim suspension of the transfer order as was done in these cases. The learned Single Judge was informed on the first date of hearing i.e. on 18.01.2016 that 40 out of 43 officers/employees transferred by the BIS had reported for duties. After recording this submission the learned Single Judge directed maintenance of status quo on the second date of hearing. At the time the counter affidavit of BIS was not on record. The court therefore adjourned the matter for hearing on 28.11.2016 even while maintaining the status quo order. The materials on record show that the Central Government issued certain orders/directions. The BIS contends that such directions cannot bind it having regard to the express wording of the proviso of Section 24 (1) of the Bureau of Indian Standard Act; reliance is also placed on the Bureau of Indian Standards (Powers and Duties) of Director General Regulations, 1987. The BIS contends that these regulations empower its Director General to issue transfer orders without any impediment. Learned counsel for the respondent contends that the BIS's power to issue such transfer order is subject to such directions on questions of policy, which fall within the purview of the Central Government. The court notices that Section 24 (2) of the BIS Act states that, as to whether a particular issue is one of the policy, is to be decided by the Central Government whose decision would be final. Till date no such decision has been made or is forthcoming. In the circumstances, it would be appropriate if the Central Government makes its order as to whether the directions/order dated 16.11.2015 to the BIS under Section 24 (2) in respect of employees' transfer of the

BIS is one of policy and therefore covered by Section 24. Such order shall be made by the competent authority/Central Government within next four weeks. Having regard to the order, it is open to the BIS if it is so advised to move the learned Single Judge for an expedited hearing.

2. The appeals along with pending applications are disposed of in the above terms.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

APRIL 18, 2016

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