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

+ W.P.(C) 4160/2016 and CM APPL. 17541-42/2016

PRATAP SINGH MEHRA

..... Petitioner

Through: Mr. Atul T.N., Advocate

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. P.C. Yadav, Sr. Panel Counsel for
R-1/UOI.

Mr. Gopal Jain, Senior Advocate with Mr. Alok
Sinha, Mr. Rajiv Shankar Dvivedi and Ms. Shweta
Jha, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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24.05.2016

1. Pursuant to the order dated 10.5.2016, appearance is entered on behalf of the respondent No.1/UOI and respondent No.2/Cement Corporation of India Ltd.
2. Mr. Gopal Jain, learned Senior Advocate appearing for the respondent No.2 states that the petitioner has rushed to this Court and filed the present petition without exhausting the remedy available to him against his transfer, as detailed in the Inter Office Memo dated 08.02.2016, a copy whereof is handed over and taken on record. He clarifies that Clause 9 of the Inter Office Memo dated 08.02.2016 stipulates the manner of redressal of grievances in case of transfer and states that an employee can make a representation against the transfer order only after complying with the said

order. It is stated that in the present case, the petitioner had submitted a representation dated 03.05.2016 to the respondent No.2 and in response thereto, a letter dated 05.05.2016 was addressed to him, calling upon him to report for duty immediately at the place of transfer at Charkhi Dadri unit and only thereafter, would his request for recalling the transfer order be considered. A copy of the letter dated 05.05.2016 addressed by the respondent No.2 is handed over by the counsel for the respondent No.2 and taken on record.

3. At this stage, learned counsel for the petitioner submits that not only is there a closure of the unit of the respondent No.2 at Charkhi Dadri in terms of the notice dated 28.07.2008, the respondent No.2 is now in the process of selling the same to a third party.

4. Even if that be the case, it cannot be denied by the petitioner that as on date, the said unit remains the property of the respondent No.2. The Court is informed by learned counsel for the respondent No.2 that assets worth Rs.700 crores are presently available at the said unit and it is only to secure the said assets that the petitioner, who is working on the post of a Senior Manager (Security) has been transferred to the Charkhi Dadri Unit, for the reason that the Executive In-charge of the said Unit is relieving charge on his superannuation on 31.05.2016, as detailed in the transfer order dated 22.04.2016.

5. Having regard to the aforesaid position, this Court is not inclined to stay the operation of the transfer order dated 27.04.2016. Upon the petitioner making necessary compliances of the said order, his pending representation dated 03.05.2016 shall be duly considered by the respondent No.2 immediately thereafter, in terms of the Inter Office Memo dated 08.02.2016

pertaining to “Job Rotation and Transfer Policy”, and the decision taken shall be communicated to him within two weeks from the date of his reporting at his place of transfer.

6. If the petitioner is aggrieved by the decision that may be taken by the respondent No.2, he shall be entitled to seek his remedies, if so advised, in accordance with law.

7. The petition is disposed of alongwith the pending application.

HIMA KOHLI, J

MAY 24, 2016

rkb/mk/ap

