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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3762/2017 & CM No. 16556/2017
SATYENDRA SINGH Petitioner
Through: Mr. M.K. Bhardwaj, Advocate.
versus
UNION OF INDIA AND ORS Respondents
Through: Thakur Virender Pratap Singh Charak,
Advocate along with Mr. Subhash
Parashar and Mr. Pushpender Singh
Charak, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE DEEPA SHARMA

% **ORDER**
01.05.2017
CM No. 16557/2017 (exemption)

Allowed, subject to just exceptions.

W.P.(C) 3762/2017 & CM No. 16556/2017

The petitioner has preferred the present writ petition to assail the order dated 24.04.2017 passed in O.A. 1336/2017 passed by Principal Bench, Central Administrative Tribunal, New Delhi whereby the said Original Application of the petitioner has been dismissed.

The petitioner was recruited as Senior Translator in the year 1992 in the Department of Central Translation Bureau (CTB), Headquarter at New Delhi, consequent upon his selection through advertisement No. F.1/7/92-R.IV published in Employment newspaper dated 8-14 February, 1992. Since then, the petitioner has been serving at Delhi. Presently, he is serving as Assistant Director in CTB with its Headquarter at New Delhi.

The petitioner was transferred vide order dated 29.07.2016 to Kolkata. The Office Order dated 29.07.2016 *interalia* records that cases of officers who have been posted at the CTB headquarter at New Delhi, and completed seven years service in bureau headquarter were considered and after detailed discussion on all aspects of transfer policy, the Committee recommended the name of the petitioner for transfer. The petitioner was required to report at the Translation Training Centre, Kolkata of Central Translation Bureau by 01.08.2016.

It appears that the petitioner represented against his transfer on the grounds of his own illness, and board examinations of his son. Consequently on 31.10.2016, an Office Order was issued, accepting his representation and he was directed to be relieved on 30.04.2017 (wrongly typed as 2016) from CTB, New Delhi and to report at Kolkata on 01.05.2017. After availing the said indulgence, the petitioner preferred the aforesaid Original Application in the last week of April, 2017 to assail his transfer. The copy of the OA placed on record is blank in so far as filing dates are concerned. However, Mr. Bhardwaj, learned counsel for the petitioner states that OA was filed towards the end of April 2017.

Thus, at the outset, it would be seen that the petitioner waited to challenge his transfer till the fag end, and after enjoying the period of extension granted to him, he challenged his transfer. In our view, the aforesaid conduct of the petitioner itself was sufficient to non-suit him.

It appears that before the Tribunal, the petitioner had contended that he had been recruited to serve in Delhi. The advertisement against which the petitioner was initially recruited as a senior translator

is placed on record, and the same clearly states “*Headquarters: Bombay, Bangalore, Calcutta & Delhi, but liable to serve anywhere in India*”. (emphasis supplied)

The Tribunal also takes note of the fact that the transfer has been made due to exigencies of service on account of there being a vacancy in Kolkata.

The submission of Mr. Bhardwaj, learned counsel for the petitioner is that though the Committee held its meeting on 29.07.2016 for considering the transfer of officials-wherein the case of the petitioner was also considered, the members of the same Committee have expressed their views differently at an individual level. In this regard, he has sought to place reliance on communications claimed to have been issued by the Committee members, after the meeting of the Committee.

It is well settled in law that what is relevant and binding is the decision taken collectively by the members of the Committee in the meeting convened. The members of the Committee may separately and individually hold one or the other view. However that is not relevant. It is only the collective decision taken in the meeting which is relevant and binding.

The statement of Mr. Bhardwaj that the petitioner was somewhere in the middle of the list of the officers whose cases were considered for the transfer, and he was neither the longest stayee, nor the shorter stayee and he had been indiscriminately picked up has no merit. The Committee has considered all the relevant aspects collectively and decided to transfer the petitioner – who, as noticed

here and above, has been continuously serving in Delhi since 1992 i.e. for the last 25 years. It is not the petitioner's case that others, who have had shorter stay at Delhi than him have not been transferred out in the last 25 years.

This Court comes across innumerable such cases where Government employees who are serving in transferable posts, seek to oppose and obstruct the transfer in every possible way, even though, they may have served at a particular station for very long tenures. As noticed herein and above, the petitioner is in a transferable post. When he joined the service, he was conscious of the fact that he can be transferred due to exigencies of his service in any part of the country. If the petitioner was so minded, and was not agreeable to serve in other parts of the country, he had the option not to join service. There is absolutely no merit in the petitioner's claim that the respondents have not adopted or applied the transfer policy fairly to him, particularly when, initially in his representation to the respondents he opposed his transfer mainly for his own illness, and board examinations of son, and the respondents sympathetically considered the representation and deferred the joining date at Kolkata. Today, none of these grounds survives. There is, thus, no merit in this petition.

The petition is accordingly dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 01, 2017/ss