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

+ **W.P.(C) 2964/2019**

R.C. MEENA

.... Petitioner

Through: Mr. M.K. Bhardwaj with Mr. M.D.
Jangra, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondent

Through: Mr. Dhanesh Relan with Ms. Sriparna
Chatterjee and Ms. Komal, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

26.03.2019

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C.M. No. 13742/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 2964/2019 & C.M. Nos. 13741, 13743/2019

The petitioner is aggrieved by the order dated 12.03.2019, passed by the Central Administrative Tribunal, Principal Bench, New Delhi, (the Tribunal) in O.A. No. 772/2019. The petitioner has assailed his transfer from the post of Executive Engineer in South Delhi Municipal Corporation (SDMC), where he was serving in the Quality Control Department, to the post of Executive Engineer (M-IV) / West Zone of SDMC.

The petitioner was transferred along with 25 other officials. The

grievance of the petitioner was that he had been posted in the Quality Control Department of the SDMC only 5 months ago, and he claims that his transfer was actuated by malice and corruption. He claimed that while discharging his duties, he had come across several irregularities in the matter of payments released to contractors for works not executed by them, and in respect of poor quality works. He claimed that the contractors and the other staff of the SDMC, who did not find petitioner's posting convenient, were instrumental in his transfer.

The Tribunal has rejected the Original Application by observing that the employer has the right to transfer the employee on administrative grounds and public interest.

Having perused the petition and heard the submissions of Mr. Bhardwaj, we are not inclined to interfere with the order passed by the Tribunal, in so far as the petitioner's Original Application has been rejected qua his transfer. The maximum tenure for which the petitioner could be posted is 3 years, even according to the petitioner. We may observe that Mr. Relan, who appears on advance notice, submits that the maximum period is 2 years. Be that as it may, the transfer could be affected at any time before the expiry of the said period of 2/3 years. The transfer is from one Department of the SDMC to another Department of the SDMC, which is the Maintenance Department.

The petitioner has, however, placed on record materials which do, prima facie, show the irregularities in the matter of quality control checks and payments released to contractors for works claimed to have been executed by them. The petitioner also claims violation of the circulars issued by the Municipal Corporation itself in this regard.

Though, the Tribunal has directed that the respondents should examine the said aspect, we are inclined to direct registration of a Public Interest Litigation to deal with the irregularities highlighted by the petitioner, by the concerned Bench. For that purpose, we permit the petitioner to file an affidavit within a week. The petitioner should state in the affidavit all the irregularities noticed by him, and place the relevant documents on record along with the affidavit. The said affidavit, once filed, be placed before the appropriate Bench as per Roster – dealing with Public Interest Litigations after obtaining orders of the Hon'ble The Chief Justice.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 26, 2019

N.Khanna