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

Date of decision: 26th November, 2019

+ W.P.(C) 8548/2018, CM Appl. Nos. 32822/2018 & 13595/2019

R.R. MEENA, EE (CIVIL) GROUP A

(RAM ROOP MEENA)

..... Petitioner

Through: Mr. M.K. Bhardwaj, Md. Jangra
and Mr. Akash Dahiya, Advs.

Versus

SOUTH DLEHI MUNICIPAL
CORPORATION & ORS

..... Respondents

Through: Mr. Arun Birbal and Mr. Sanjay
Singh, Advs. for SDMC

AND

+ W.P.(C) 3482/2019 and CM Appl. No. 16040/2019

R C MEENA

..... Petitioner

Through: Mr. M.K. Bhardwaj, Md. Jangra
and Mr. Akash Dahiya, Advs.

versus

SOUTH DELHI MUNICIPAL
CORPORATION & ORS.

..... Respondents

Through: Mr. Dhanesh Relan, Standing
Counsel with Mr. Arindam Dey,
Ms. Gauri Chaturvedi and Ms.
Pallavi Nagar, Advs. for SDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

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ORDER
26.11.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 8548/2018 and W.P.(C) 3482/2019

1. The aforesaid writ petitions have been preferred against the order passed by the Central Administrative Tribunal (CAT) dated 8th August, 2018 in O.A. 293/2018. The challenge in the Central Administrative Tribunal was pertaining to the transfer of these petitioners. These petitioners were working as Executive Engineers and they were transferred and hence, they preferred Original Applications before the CAT.

2. The Central Administrative Tribunal dismissed the Original Applications. Thus, the order of transfer of the petitioners was not interfered with by the CAT.

3. Being aggrieved and feeling dissatisfied by the order of the Central Administrative Tribunal, the petitioners preferred two writ petitions being W.P.(C) Nos. 8548/2018 and 3482/2019.

4. These matters came up before the Division Bench of this Court. The order of transfer of these petitioners was not interfered with by the Division Bench of this Court nor the Division Bench of this Court interfered with the order passed by the Central Administrative Tribunal. Thus, the order passed by the Central Administrative Tribunal in OA No. 293/2018 was upheld by the Division Bench of this Court.

5. The petitioners put allegations against their own employer about their mismanagement and arbitrariness.

6. The Division Bench of this Court was of the opinion that though there is nothing in the transfer order of the petitioners, which requires

interference, but, looking to the allegations of these petitioners against their own employer, there is an element of the public interest.

7. Thus, the said Division Bench of this Court has transferred the matter to the present Division Bench because the present Division Bench is taking up Public Interest Litigations, as per roster.

8. Thus, in this case, we are concerned that an element of public interest involved, otherwise so far as transfer orders of these petitioners are concerned, the order passed by the Central Administrative Tribunal is upheld by the Division Bench of this Court.

9. As these petitioners were transferred and after getting no relief against transfer before the CAT as well as in these writ petitions they continued working with the respondents. Now, the petitioners have started levelling allegations upon the respondents about the management and style of work of the respondents. Looking at the allegations levelled by the petitioners, this Court has passed an order on 26th March, 2019 to place these matters before the appropriate Court as per the Roster in view of the public interest involved.

10. It now appears that the petitioners after getting no relief before the CAT and in the writ petitions want to highlight in detail the working mode and style of the respondents, inasmuch as how the mismanagement and arbitrariness are going on with the working of respondents; and as to how the poor quality of work is being sanctioned by the respondents.

11. We, therefore, dispose of these writ petitions because the main grievance, which pertains to transfer, is already over. The transferred petitioners are now in the mood of levelling several allegations against their employer. Therefore, liberty is reserved with these petitioners; if at all, they want to file a Public Interest Litigation, they are permitted to do so. Liberty is also reserved with the petitioners to file appropriate litigation with the proper averments, allegations and annexures. It ought

to be kept in mind by the petitioners that if any false allegation is levelled against the employer, then, they shall be liable to face legal action against them. We expect from the high ranked administrative officers, who are petitioners, to be careful before filing such type of petitions levelling allegations against their own employer.

12. With these observations, this writ petitions are disposed of.

CM Appl. Nos. 32822/2018 & 13595/2019 in W.P.(C) 8548/2018
CM Appl. No. 16040/2019 in W.P.(C) 3482/2019

13. In view of the order passed in these writ petitions, these applications are disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 26, 2019

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