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

+ **W.P.(C) 7905/2015**

SHAKEEL AHMED

..... Petitioner

Through: Ms. Monica Kapoor, Advocate with
petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr.Roshan Lal Goel and Mr.Anju
Gupta, Advocate for R-1.
Mr.S. Sunil, Advocate for R-2 and R-
3.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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25.09.2019

CM APPL. 17145/2019 (delay)

1. For the reasons explained in the application, the delay in filing the affidavit is condoned. The application is allowed. The affidavit is taken on record.

W.P.(C) 7905/2015 and CM APPL. 15984/2015 (stay)

2. The Court has perused that the impugned order dated 16th July, 2015 of the Central Administrative Tribunal (CAT) disposing of the Petitioner's OA No. 1356/2015.

3. The Petitioner, who is a Hindi typist at the Headquarters of the Central Council for Research in Unani Medicine, New Delhi (CCRUM) was sought to be transferred out of the Headquarters along with his post to the Regional

Research Institute of Unani Medicine (RRIUM) at Bhadrak in Orissa. In the course of the proceedings before the CAT, the Respondents pointed out that a request had been received from the RRIUM Orissa for one post of Hindi typist for the smooth functioning of the work of the said institute. On the side of the Petitioner, it was contended that since there was no post of a Hindi typist in existence at Orissa, the Respondents could not have transferred the Petitioner to the RRIUM at Orissa along with his post.

4. The operative portion of the impugned order of the CAT reads thus:

“4. In the circumstances, the OA is disposed of with direction to respondents to make a fair assessment of the work of Hindi Typing at RRIUM, Bhadrak, Drug Standardisation Research Unit, Ghaziabad, Headquarter of Central Council for Research in Unani Medicine and Drug Standardization Research Unit, Jamia Hamdard, Tughlakabad by constituting a Committee. If after such realistic assessment it is found that the work at RRIUM, Bhadrak is much more than what in at three other places (ibid) and the quantum of work of Hindi Typing is so much that the regular post of Hindi Typist is required, they would communicate their decision to applicant by way of a detailed, reasoned and speaking order, and if it is found that the work of Hindi Typing at RRIUM, Bhadrak is not sufficient to justify the work of Hindi Typist there, the applicant would continue to be posted at either of the three other places. Till such decision is taken, the applicant would be kept posted at Drug Standardisation Research Unit, Ghaziabad. The decision regarding intervening period would be taken after the final decision to be taken by the respondents on the basis of the recommendations of the Committee (ibid). No cost.”

5. The Court, therefore, finds all that the CAT has done is to direct the Respondents to constitute a committee to make assessment if the work at the RRIUM Bhadrak requires the creation of a post there of a Hindi typist. This

again was to be based on a relative assessment of the work at three other places, i.e. the Headquarters of the CCRUM, The Drug Standardisation Research Unit (DSRU), Ghaziabad and the DSRU at Jamia Hamdard, Tughlakabad.

6. Further, the CAT has directed that the decision of such Committee would be communicated to the present Petitioner and till such time the decision is taken, he will be continued to be posted at the DSRU, Ghaziabad. Learned counsel for the Petitioner informs the Court that the DSRU at Tughlakabad has already been transferred to the DSRU at Ghaziabad.

7. The Court fails to understand how the Petitioner can be aggrieved by the aforementioned directions. He has continued at DSRU, Ghaziabad since then. It may be added here that pursuant to an interim order passed by this Court on 21st August, 2015 the Petitioner has continued to report at the DSRU, Ghaziabad while the impugned order of the CAT has remained stayed. The Petitioner cannot possibly insist that he should continue to work where he is, irrespective of the needs of the organization.

8. The Court, therefore, finds no reason whatsoever to interfere with the impugned order of the CAT.

9. Needless to state that if the Petitioner is aggrieved by the decision taken by the Committee pursuant to the impugned order of the CAT, it will be open to the Petitioner to seek appropriate remedies available to him in accordance with law.

10. The interim order is accordingly vacated.

11. The petition and application are accordingly dismissed.

S.MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 25, 2019

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