

(2019) 04 CAT CK 0051

In the Central Administrative Tribunal

Case No : Original Application No. 1285 Of 2019

Manoj Kumar Sharma

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 25-04-2019

Acts Referred:

Citation : (2019) 04 CAT CK 0051

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, J

Bench : Division Bench

Advocate : O.P. Agarwal

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The Sports Authority of India which is required to provide services to youngsters and energise them, unfortunately turned out to be a centre for accommodation of all inert persons who on one pretext or the other are remaining at Delhi alone throughout their service.

2. In the recent past, we came across several cases wherein the attempts to transfer employees who are at Delhi throughout their service, are thwarted by filing one case or the other. The sad part of it is that in each case the instances of many employees being retained in headquarter throughout their service, are cited.

3. The applicant is working as UDC. Ever since his appointment in SAI, he has been working at Delhi alone. Through an order dated 03.02.2019, he was sought to be transferred to Alwar, Rajasthan. He filed OA No.546/2019 challenging the same. He pleaded that he is suffering from ailment of liver, and is undergoing treatment at Delhi. The OA was disposed of on 15.02.2019 directing the respondents to consider and dispose of the representation dated 04.02.2019. In compliance of the same, the respondents passed a speaking order dated

05.04.2019. It was observed that the Hospital where the applicant was undergoing treatment has indicated that he needs monthly consultation, and taking that into account, the respondents reiterated the order of transfer; by making a provision for grant of leave once in a month. The same is challenged in this OA.

4. We heard Shri O. P. Agarwal, learned counsel for the applicant and Shri Sandeep Tyagi, learned counsel for respondent No.1 and Ms. Geetanjali Sharma, learned counsel for respondent Nos.2 & 3.

5. It is rather unfortunate that the SAI is not able to inspire the required amount of enthusiasm in the sportsmen, and one of the reasons is that the employees are remaining in the same station, particularly in the capital for decades together, and in some cases for their entire service. It hardly needs any mention that the continuance of the employees beyond a point, at a particular station is bound to enable them to develop vested interests. The inevitable consequences are lethargy or indiscipline. The particulars that are placed before us in certain cases depict a very sad state of affairs. Even the orders of promotion which are issued to various employees requiring them to join other places are suitably modified to enable the employees to remain in the same place. That, in turn, is encouraging others to make every effort to remain at that place, at any cost. This is detrimental to the interest of the SAI, and unless some objective, radical and disciplined steps are taken, one does not expect any bright future for it. It is hoped that the administration will ensure that no employee remains in the same station beyond the stipulated tenure, whatever be the circumstances.

6. Coming to the case of the applicant, it is not in dispute that he was at Delhi alone, throughout his career. Though it is stated that he is left with hardly one year's service, the respondents have woken up at a late stage, and made an effort to transfer him to Alwar. It is stated that there is an acute shortage of employees at that place. The plea of the applicant about his ill health was verified, and it is only on finding that he needs a monthly check up, the order of transfer was retained, that too, by providing leave to him to travel to Delhi to undergo check up.

7. We do not find any merit in the OA. It is accordingly dismissed.

8. It is brought to our notice that the applicant is not paid salary for the past three months. We direct that in case the applicant reports for duty at Alwar, the amount payable to him shall be released within three days thereafter. Further, if he makes a request, the feasibility of transferring him to Delhi at least for six months before his retirement shall be considered.

There shall be no order as to costs. Order 'Dasti'.