

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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O.A. No 2808/2002

Date of Decision 1.11.2002

Suresh Chand Sharma ... Applicants  
and Ors. ... Advocate for the Applicant  
Dr. V.P. Sharma

VERSUS

Lt Governor, NCT and ... Respondents  
Anr.

- ... Advocates for the Respondents

Coram:-

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Smt. Shashi

1. To be referred to the Reporter or not ? Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan )

Vice Chairman (J)

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2808/2002

New Delhi this the 1st November, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

1. Shri Suresh Chand Sharma,  
Son of Sh.Har Narain Sharma,  
TGT (English ), Govt.Boys  
Sr. Secondary School, New  
Ashok Nagar Delhi-96
2. Shri V.K.Rawat  
S/O Shri Ram Narain Rawat  
TGT (Maths)  
Govt.Boys Senior Secondary  
School, New Ashok Nagar, Delhi
3. Shri Raghbir Singh  
S/O Shri Damber Singh  
Laboratory Assistant, Govt.  
Boys Sr. Secondary School,  
New Ashok Nagar, Delhi.

..Applicants

(By Advocate Dr. V.P.Sharma )

VERSUS

1. The Lt.Governor. NCT of Delhi  
Raj Bhawan, Delhi.
2. The Director of Education,  
Old Secretariat. Govt.of NCT  
of Delhi, Civil Lines, Delhi.

..Respondents

O R D E R

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

This application has been filed by ~~the~~ three applicants who have impugned the Office Order issued by the respondents dated 16.10.2002. By this office Order, the applicants,whose names appear at Serial Nos 8,10 and 12 have been transferred by an officer of respondent No.2 from GBSSS, New Ashok Nagar to other similar schools in Delhi/ New Delhi.

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(A)

2. I have heard the learned counsel for the applicants and perused the relevant documents on record. The applicants have prayed that the impugned transfer order dated 16.10.2002 should be quashed and set aside, as the same is based on prejudicial grounds and political interferences of two MLAs. Learned counsel has also submitted that the applicants have been transferred due to mala fide action of three other teachers in the school at Ashok Nagar who were drunkards and bad characters who had criminally intimidated and were instrumental for the authorities passing the impugned order. He has submitted that the applicants had very good records and the Principal of GBSSS, New Ashok Nagar had requested the authorities that their transfers may be stayed. Learned counsel has submitted that the three applicants were indispensable for proper running of the administration of the GBSSS, which has also been stated by the Principal of that school that their transfer is a loss for the school. He has contended that applicant No.1 holds the charge of admission and school time-table, applicant No.2 is the incharge of Xth class and holds the charge of sports and applicant No.3 is a Laboratory Assistant and conducts practicals for the science students. Therefore, he has contended that none of these three applicants should be dislodged and transferred from GBSSS, New Ashok Nagar to other schools.

3. The impugned transfer order dated 16.10.2002 has been issued by the respondents in which 19 teachers,

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including the three applicants have been transferred from one school to another. This OA has been filed on 25.10.2002 wherein the applicants have prayed that the impugned transfer order dated 16.10.2002 may be quashed and set aside on the aforesaid grounds. It is relevant to note that the learned counsel for the applicants has not stated that applicants have submitted any representations to the competent authority requesting for cancellation of the impugned order before filing the OA. The teachers against whom it is alleged that they are criminals and have bad moral characters and so, who have influenced the respondents to pass the allegedly mala fide transfer order who are necessary parties have not been made parties in the OA. The contention of the applicants that as they are very good teachers, therefore, they are indispensable in GBSSS, New Ashok Nagar and should not have been dislodged from that school is rejected. He has relied on the letter from the Principal of GBSSS, New Ashok Nagar dated 18.10.2002 who has addressed it to "To whomsoever it may concern" and not to the competent authority/respondent 2. This letter would, therefore, not assist the applicants. Having regard to the settled law on the subject there are no justifiable grounds to interfere in the matter. In **Union of India Vs. S.L.Abbas** (1993(2) SLR 585), (See also **N.K.Singh Vs. Union of India and Ors.** ( 1994(28)ATC(SC) 246), the Hon'ble Supreme Court has held that who should be transferred where is a matter for the appropriate authority to decide. It has been further held that unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the

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Court cannot interfere with it. If a person had made a representation with respect to his transfer, the appropriate authority had to consider the same with regard to the exigencies of administration. In another case, **State of Madhya Pradesh and Ors Vs. Sr.S.S.Kourav and Ors** (JT 1995 (2)SC 498), the Hon'ble Supreme Court has held that the Court or Tribunals are not appellate forums to decide on transfers of officers on administrative grounds. It is for the administration to take appropriate decisions and such decisions shall stand unless they are vitiated either by mala fides or by extraneous considerations without any factual background foundation. The mere allegations of mala fide against the transfer order in this case without proof is not sufficient, particularly where a number of teachers have been dealt with. <sup>in the order.</sup> The contention of the learned counsel for the applicants that as the applicants are very good teachers they should not be dislodged from GBSSS, New Ashok Nagar is without any merit because for the same reason the administration might have considered that in public interest, it would be necessary to post them to other schools. It is noted that in the case of applicant No.2, Shri V.K.Rawat, he has been posted at GBSSS, Kalyan Puri against a newly created post.

4. In the facts and circumstances of the case, having regard to the settled law on the scope of judicial review in such cases and for the reasons given above, there is no merit in this OA. OA is accordingly dismissed in limine.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

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