

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2811/2002

This the 24th day of February, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. A.M. Basheer,
Assistant Director (Toursim),
Indian Tourism,
88, Janpath, New Delhi.

(By Advocate: Sh. V.K. Rao)

Versus

1. Union of India
Through its Secretary,
Deptt. of Tourism,
Transport Bhawan,
Parliament Street, New Delhi.
2. Director General (Toursim,
Deptt. of Tourism,
Govt. of India,
Transport Bhawan,
Parliament Street, New Delhi.
3. Sh. Anil Garg,
Under Secretary,
Deptt. of Tourism,
Transport Bhawan,
Parliament Street, New Delhi.
4. Sh. Shive Nath,
Assistant Director,
India Tourism Deptt.,
Transport Bhawan,
Parliament Street, New Delhi.

(By Advocate: Sh. M.M. Sudan for Resp. No.1 to 3
None for Resp. No.4)

ORDER (ORAL)

Applicant has assailed the order dated 1.10.2002 vide which the applicant has been transferred from New Delhi to Imphal as Assistant Director, India Tourism. Though the applicant had taken up various grounds to challenge the same including malafides of one Sh. Anil Garg who is Resp. No.4. In addition to that one of the ground taken by the applicant is that children of the applicant are studying in 12th Class and Board examinations are due in March 2003 and after the Board examinations, applicant is also required to see that

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they are admitted for higher education in university or colleges. It will put him in great difficulty, if he is compelled to join at Imphal at this juncture.

2. Respondents have refuted the allegations of malafide. Respondents have submitted that the transfer posting of the applicant was considered by the competent authority. In view of the experience of the Tourism acquired by the applicant at different locations especially in overseas, after consideration they decide to post him at Imphal to boost tourism activities in North-East region. It is submitted that the transfer order has been passed in public interest.

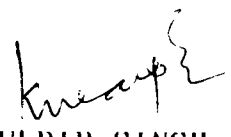
3. I have heard the learned counsel for the parties and given by thoughtful consideration to the question involved in this case. As regards the transfer liability of the applicant is concerned, there is no denial that the applicant is liable to be transferred to any place in India and respondents have to take a decision as to where they can utilise the services of the applicant in best manner. The allegations of malafide are also unfounded. There is no merit.

4. However, keeping in view the fact that transfer order has come in mid-term of academic session and the son of the applicant is particularly at such a juncture when he is to qualify 10+2 examination and applicant has to decide for his future carrier and admit him in some college or professional course, so the transfer order should not have been passed. Keeping in view that the applicant's son is still in mid-term of academic session, let this transfer order be kept in abeyance till 31.5.2003.

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5. The OA stands disposed of in these terms. At this stage, applicant is given liberty to make a representation to the department for re-consideration of his transfer. Applicant may make a representation within a period of 2 weeks and competent authority shall decide the representation before 31.5.2003.


(KULDIP SINGH)
Member (J)

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