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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Review Application No. 268/2002 in
Original Application No. 1403 of 2002

New Delhi, this the 31st day of January, 2003

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

Surender Kumar S/o Sh. Raj Singh .. Review Applicant
(By Advocate: Shri M.K. Bhardwaj)

Versus

Union of India and Others .. Respondents
(By Advocate: Shri R.P. Aggarwal)

O R D E R

Heard the parties on the Review Application.

2. The learned counsel for the applicant submitted that though this court has upheld the transfer of the applicant finding that there is no violation of the policy of the transfer but even in the local turn out, the department prepares the seniority list and a person who has completed 3 years is compared with the other persons who have a longer stay and it is the person who has longer stay has to be transferred and in this case one Mr. Suresh Kumar Ruhil has a longer stay than the applicant and it is he who should have been transferred and not the applicant.

3. As against this, the learned counsel for the respondents submitted that the applicant has been working on a sensitive seat for the last 16.1/2 years and even if Mr. Ruhil has longer stay by 2 or 3 months than the applicant but still it is the discretion of the administration to transfer a person and it is the



administration who is to see as to who is to be posted at what place.

4. In the case of transfer if it is not against the policy, then the longer stay of another candidate by 3 or 4 months cannot be a ground to challenge the transfer. In my view also Mr. Bhardwaj has not been able to show any error apparent on the face of the record. He did not pray for review of the judgment on the ground any error or omission by the Court which may apparent on the face of record. This question of Mr. Rulhi's longer stay by few months is immaterial. Since according to the respondents they had a valid reason to transfer the applicant who was working on a sensitive post for a much longer period, i.e., for 16 to 17 years, the department had a right to transfer him. So I do not find any ground to review the earlier order.

5. In view of the above, I find that the RA is without any merit and the same is rejected.

Kuldeep
(KULDIP SINGH)

MEMBER (JUDL)
31/1/2003

/Rakesh