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Central Administrative Tribunal, Principal Bench

Original Application No.1731 of 2001

New Delhi, this the 17th day of July, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

N.K.Sharma, S.D.E.(Building)
MTNL Office at ISBT
Delhi-110006

- Applicant

(By Advocate: Ms.Sunita Bhardwaj)

Versus

1.Union of India & ors.
Through its
Secretary(Department of Telecommunications)
Sanchar Bhawan,
20, Ashok Road,
New Delhi

2.Mahanagar Telephone Nigam Ltd.
Through its Chief General Manager
K.L.Bhawan, Janpath,
New Delhi-1

- Respondents

O R D E R(ORAL)

By Mr.V.K. Majotra, Member(A)

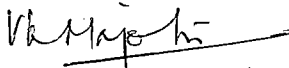
Through the present application, the applicant has challenged orders dated 12.7.2001 (Annexure A-1) whereby he has been relieved of his charge with immediate effect and asked to report to G.M.(IP&C) HQ, K.L. Bhawan, New Delhi for further duties. It has been alleged that the applicant has been abruptly and vindictively transferred from his present post to another place without assigning any reasons (Annexures A-1 and A-2). It is stated that the applicant is a General Secretary of the MTNL Officers Association and has been a party in OA-1252/2000, wherein the respondents are greatly interested and are, therefore, annoyed with the applicant. According to the applicant, he has been transferred and placed under the charge of GM(IP&C) Headquarters who will victimise him on account of applicant's being an office bearer of the aforesaid

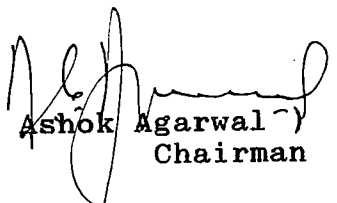
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Association. Learned counsel also stated that whereas MTNL had issued a list of its rotational transfer of various officers as per its transfer policy, the said transfer order was kept in abeyance by the MTNL. The name of the applicant was not in the said transfer list. However, now the applicant has been picked up and transferred out.

2. We find that the applicant's previous placement had been in Delhi and he has not been transferred out of Delhi. Only his office is sought to be changed by the impugned orders. The anticipation of the applicant about his victimisation by the hands of the respondents just because he is a party in a particular legal suit is not good enough reason to quash the present transfer orders. The transfer order of the applicant can be objected to only on the ground of violation of statutory rules or any malafides. Anticipatory victimisation is no valid ground for coming in the way of the transfer. We neither find any violation of statutory rules nor any malafide on the basis of which the applicant has been transferred within Delhi itself.

3. Having regard to the above discussion, we do not find sufficient grounds for interfering with the impugned transfer orders of the applicant. The O.A. is, therefore, dismissed.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

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