

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1616/99

New Delhi, this 1st day of October, 1999

Hon'ble Shri S.P. Biswas, Member(A)

V.K. Saxena
J-834, Mandir Marg
New Delhi

.. Applicant

(By Shri B.B.Rawal, Advocate)

versus

Union of India, through

1. Director General of Security
Cabinet Secretariat
East Block V, R.K. Puram, New Delhi
2. Director
Aviation Research Centre
East Block V, R.K. Puram, New Delhi .. Respondents

(By Shri S.M. Arif, Sr.Advocate)

ORDER

Applicant seeks to set aside the orders dated 4.6.99 by which he stands transferred from Delhi to Bhuj as well as the order dated 23.6.99 by which his representation against the said transfer has been rejected.

2. The main ground taken by the applicant in support of his plea is that he is a low paid employee working in the same post for the last 28 years. That his children are in higher education at Delhi and he can illafford to maintain two families with his present meagre income.

3. Respondents in their reply statement have resisted the claims of the applicant on the ground that the appointment of the applicant carries with it the liability to serve in any part of India, that the transfer has been effected in public interest, that though the problems projected by the applicant in his representation are of common nature and the same was considered by the competent authority but could not be

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acceded to due to exigencies of public service. The applicant was therefore given a suitable reply in the matter.

4. Heard the learned counsel for both parties and also perused the transfer policy produced by the respondents. There is a catena of judicial pronouncements on the issue of transfer by the apex court holding that transfer is an incidence of service and the employee has no option in the matter. That transfer orders in public interest by the competent authority should not be interfered with by the Tribunal/Court unless there are strong and pressing grounds rendering the transfer order illegal on grounds of violation of statutory rules or on ground of malafides or the same having been issued activated by colourable exercise of power. I have gone through the transfer policy furnished by the respondents and I find there has been no violation of any instructions framed therein. The applicant has not come with any specific example of malafide on the part of the respondents that would warrant our interference with the present transfer order.

5. From the records available on file, it is evident that the applicant immediately proceeded on leave on medical grounds on receipt of the transfer order and has been extending his leave on one or the other ground. It is further contended by the respondents that other two persons named in the impugned transfer order stand relieved.

6. In view of the above position of law on the subject, I do not find any reason, much less convincing ones, to interfere in the matter. The OA deserves to be dismissed and I do so accordingly.

Our orders, however, shall not come in the way of respondents to disburse applicant's salary from July, 1999 on medical grounds as per rules and provide no objection in case the applicant decides to take voluntary retirement.

7. The application is disposed of as aforesaid. No costs.

(S.P. Biswas)
Member (A)

/gtv/