

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 905/99

Hon'ble Shri R.K. Ahooja, Member (A)

New Delhi, this the 27th day of May, 1999

Shri Vinod Nanda
S/o Shri P.P.K. Nanda
R/o C-91, Nirman Vihar
Delhi 110092

... Applicant

(By Advocate: Shri Javed Ahmad)

Vs.

1. The Secretary
Ministry of Finance
North Block, New Delhi
 2. The Chairman
Central Board of Excise & Customs
North Block, New Delhi
 3. The Chief Commissioner
Customs & Central Excise, Delhi
C.R. Building, I.P. Estate
New Delhi
 4. The Commissioner-I
Central Excise Commissionerate
C.R. Building, I.P. Estate
New Delhi
 5. Addl. Commissioner (P&V)
Central Excise & Customs
C.R. Building, I.P. Estate
New Delhi
- ... Respondents

ORDER

The grievance of the applicant who is working as a Sub Inspector in the Delhi Excise Commissionerate III (hereinafter referred to as 'Delhi-III') is that his representation for transfer to Commissionerate Delhi-I (hereinafter referred to as 'Delhi-I') has not been accepted while extending the same consideration to his colleagues.

2. I have heard the learned counsel on admission. The applicant was working in Delhi-I Excise Commissionerate till 6.4.98 when he was transferred to

List
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Delhi-III Commissionerate. The applicant, however, for personal reasons, sought reversion back to Delhi-I. The respondents issued a transfer list dated 9.4.1999. In this list Inspectors figuring from S.No.466 to 531 were shown to have been transferred on consideration of their requests. The applicant submits that this shows that 65 Inspectors were transferred on the acceptance of their requests while the request of the applicant was ignored. The applicant submits that as a result he has been discriminated and denied a proper consideration of his representation. He also alleges that the case of the applicant has been treated in an arbitrary fashion due to mala-fide since he had filed an O.A. challenging the illegal and unlawful action of the respondents reverting the applicant to the post of Draughtsman. This O.A. had been allowed giving rise to animus against the applicant.

3. I find on consideration of the O.A. and on hearing the arguments of the learned counsel that there is no ground whatsoever for interference by the Tribunal. The applicant had been transferred to Delhi-III from Delhi-I only on 9.4.98. There is no claim that the applicant is entitled to his reversion to Delhi-I either on the basis of any policy guidelines on transfers or under any other rule framed by the respondent department. The applicant cannot even raise a plea that a change of station is involved. Even though the learned counsel submitted that the headquarters of Delhi-III is in Gurgaon as a result of which the applicant has to travel long distances everyday at the cost of the time he can devote to his own family, the fact is that Gurgaon is for all purposes an adjunct of Delhi and travelling long distances in Delhi which is a metropolis is the common fate of a

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4 large part of Government servants. Even otherwise transfer is an incidence of service and no claim for a particular posting can be made out. I also find that the applicant has not stated as to how long he had already served in Delhi-I and whether under the policy guidelines he is within the period allowed for stay in Delhi at a stretch.

4. The only point therefore for consideration is the allegation of mala fide. The applicant has not alleged mala fide on the part of any particular officer. Allegations of mala fide have to be by name and the person against whom allegations are made must be brought in the array of respondents.

5. In the result, finding no ground for interference, the O.A. is summarily dismissed at the admission stage itself.

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~~R.K. Ahuja~~
(R.K. Ahuja)
Member(A)