

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 566/98

New Delhi: this the 27<sup>th</sup> day of October, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

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

Mangal Singh

S/o Sh. Jagat Singh,  
R/o-H. 311, Rajnagar-II,  
Palam Colony,  
New Delhi-45

..... Applicant.

(By Advocate: Shri U. Srivastava).

Versus

Union of India  
through

1. The Secretary,  
Ministry of Railway,  
Rail Bhawan,  
New Delhi.

2. The Divisional Railway Manager (P),  
Jhansi.

3. The Senior Divisional Personnel Officer,  
Jhansi (Central Railway).

4. The Electrical Foreman Maintenance,  
Central Railway,  
Faridabad

..... Respondents.

(By Advocate: Mrs. B. Sunita Rao).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order  
dated 27.11.97 (Annexure-A/1).

2. By the aforesaid order applicant has  
been transferred on promotion from the post of  
Lineman II which he was holding at Jhansi in the  
scale of Rs. 1200-1800/- to the post of Lineman I  
in Gwalior in scale of Rs. 1320-2040/-.

3. Applicant contends that because the two

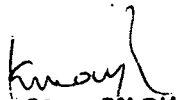
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grades of Lineman II and Line Man I have been merged into one scale of Rs. 4000-6000 consequent to the recommendations of the Vth Pay Commission, the transfer on promotion is illegal.

4. No rule or instructions has been cited to establish the illegality of the impugned order. Transfer is an incidence of service and admittedly applicant is liable to serve within the Division. It is well settled that transfer orders should not be interfered with by Courts/Tribunals unless the same are tainted by malafides or in violation of statutory rules. No violation of any statutory rule has been brought to our notice, and no malafides have been alleged. Respondents have correctly pointed out that the fact that the Vth Pay Commission has merged the two grades of Lineman II and Line Man I does not make the impugned order infirm.

5. Under the circumstance the impugned order warrants no interference, and the rulings in 1996(6) SCC(L & S) page 340 para 8 and 1995(4) SCC 462 para 9 relied upon by applicants' counsel do not advance his case.

6. The O.A. is dismissed. No costs.

  
( KULDIP SINGH )  
MEMBER(J)

  
( S. R. ADIGE )  
VICE CHAIRMAN (A)

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