

Central Administrative Tribunal  
Principal Bench

O.A.No.940/98

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

New Delhi, this the 18th day of February, 1999

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Hardwari Lal  
s/o late Sh. Ami Chand  
129, Shivani Appartments, Patparganj  
Delhi. ... Applicant  
(By Shri Yatendra Sharma, Advocate) Vs.

1. Commissioner  
Office of the Commissioner of Central Excise  
Delhi - I C R Building, I.P.Estate  
New Delhi.
2. Deputy Commissioner (P&V)  
O/o the Commissioner of Central Excise  
Delhi - ICR Building  
I.P.Estate, New Delhi. ... Respondents  
(By Shri R.R.Bharati, Advocate)

O R D E R (Oral)

The applicant is aggrieved by the order of his transfer from MOD-IV to Delhi-II issued by the Commissioner of Central Excise, Delhi. When the matter had come up on 15.5.1998, on the prayer of the learned counsel for the applicant, the operation of the impugned order was stayed and the respondents were directed to maintain the status-quo. The applicant challenges the order of transfer on the ground that he had worked at Faridabad after his appointment till July, 1988 and he was transferred to ICD Customs, Pragati Maidan and then to Ambala Central Excise. However, within one month he was transferred to Delhi again and thereafter he had worked in various offices in Delhi. Before the impugned transfer order was issued, there were two earlier orders issued within 15 days for his transfer to various other offices in Delhi. The applicant claims to be a member of the executive of a recognised Association and as such he claims that the transfer is against the rules and punitive in nature.

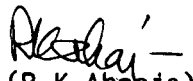
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2. I have heard the counsel today. There is no doubt that the applicant has spent most of his service period in Delhi or Faridabad except for one month's posting under the Ambala Division. The learned counsel for the applicant argued that the respondents have not considered his representation that his wife does not keep good health and further the present posting order has been issued in mid session. The facts however state otherwise. <sup>The</sup> Further impugned order of transfer was issued on 17.4.1998 and it was stayed on the prayer of the applicant himself. If the applicant was concerned about the education of his children, he should have complied with the order when it was issued. The applicant has already been in Delhi for a number of years and his transfer is also to Faridabad which is a part of the National Capital Region.

3. The learned counsel for the applicant drew my attention to the extract from Office Memorandum dated 8.4.1969 issued by M/o Home Affairs wherein it has been laid down that Chief Executives and General Secretary of the Associations may be brought on transfer to the Headquarters or any other office under appropriate head of administration "as far as possible" (emphasis supplied). The applicant claims to a Executive Member of the Association. It is clear that he is not the Chief Executive or a General Secretary. Therefore he cannot rely on these instructions which in any case are to be operated by the respondents to the extent the same is possible.

4. I find no merit in the OA. The same is accordingly dismissed.

/rao/

  
(R.K. Ahooja)  
Member(A)