

Central Administrative Tribunal
Principal Bench

OA No. 2071/95

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

New Delhi, this 3rd day of November, 1995.

Shri H.K. Chillor TGT Government
Girls Middle School Uchandi
R/o Village and Post Office,
Ladawan District Rohtak. ... Applicant

(By Shri Duli Chand Malik, Adv.)

versus

1. National Capital Territory of Delhi
Director of Education
Old Secretariat,
Delhi. 110006.
2. The Deputy Director of Education
North West District at Hakikat Nagar
Delhi.

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Respondents

ORDER (Oral)

This application has been filed by the applicant, Shri H.K. Chillor, TGT, Govt. Girls Middle School Uchandi who is aggrieved by his transfer order dated 30.10.1995 to Govt. Boys Senior Secondary School, Uchandi. The applicant states that he has been working as Incharge/Head Master since 1989 during which period there has been no complaint against him instead he has got appreciation for his work. He submits that one Teacher, Shri J.S. Rana was transferred to his School vide order No. 407 dated 20.10.1995 by the Deputy Director of Education, North West Distt. and Shri Rana joined in the

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school after the school was over, without the permission of the applicant who was the Incharge/ Headmaster. Shri Rana mishandled the school record and the applicant had reported the matter to the higher authorities on 26.10.95 and taking action thereon the authorities transferred Shri Rana to the Govt. Boys Senior Secondary School, Uchandri vide Order No. 419 dated 26.10.95. The applicant alleges that Shri Rana approached the Education Minister of NCT Delhi who pressurised the DDE North West to issue the impugned order dated 30.10.1995.

2. I have heard the learned counsel for the applicant Shri D.C. Mallik. He argues that the applicant has been serving in his present posting for the last more than five years without any complaint. Further more there was no reason to transfer him because the academic session is midway and it is the normal policy of the Department not to make transfers in midway/mid-session and even retirement in such cases are deferred in order to protect the interests of the Students. He has further pointed out that Shri Rana who has been transferred in his place was actually posted against a vacancy and there was no ground/reason on that account to transfer the applicant. Referring to the transfer orders of Shri Rana dated 20.10.1995 whereby he was first transferred to Govt. Girls School and order No. 419 dated 26.10.1995 by which Shri Rana was transferred out on the basis of the complaint given by the applicant, the learned Counsel for the applicant has submitted that the transfer of the applicant has resulted due

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to the resentment of the Education Minister and the existing political rivalry amongst various factions in the village. The learned counsel for the applicant has stated that though the applicant has been in his present assignment for more than 5 years, it will be open to the Department to transfer him at the end of the academic session in accordance with the normal policy of the department. On the basis of the aforesaid submissions, the learned counsel has urged that the impugned orders may be set aside.

3. I have heard the learned counsel at some length and I have also gone through the contents of the application, and the annexures thereto. It is correct that the transfers particularly in academic institutions should take place normally at the conclusion of the academic session. Nevertheless, no policy direction has been cited to show that there is a bar on transfers during mid-session if administrative exigencies so require. The applicant on his own submission has been working in his present assignment for more than five years. The fact that he has earned good reports and appreciations does not imply that he has a right to continue indefinitely in his present assignment. Further more, it is apparent that his transfer is from one School to another in the same station and thus/account of transfer in mid-session he and his family are not disturbed. Transfers for a Government servant are a normal part of service condition. Unless it is clearly established that such transfers have taken place due to any malafide on the part of the superior authority or contravention of any extant policy decision/regulation or orders should

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not be interfered with. It is hard in the present case to draw an inference from the fact that another person was first transferred in and then transferred out that there was any malafide on the part of the superior authority which resulted in the issue of the impugned order. Considering these aspects I find no reason to interfere in this and dismiss the application in limini.

R.K. Ahoja
(R.K. Ahoja)
Member (A)

/RAO/