

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA. No. 233/95

Dated this the 2nd of February, 1995.

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Dr. A. Vedavalli, Hon. Member(J)

Shri Anil Sinha,  
Deputy Commissioner of Police,  
Indraprastha Estate,  
New Delhi.

...Applicant

By Advocate: Shri Anis Suhrawardy.

versus

1. Union of India through its  
Secretary, Ministry of Home Affairs,  
South Block, New Delhi.

2. Government of National Capital Territory  
of Delhi,  
through its Chief Secretary,  
Old Secretariat, Delhi.

3. Commissioner of Police,  
Delhi Police,  
Police Head Quarters,  
Indraprastha Estates,  
New Delhi.

...Respondents

By Advocate: None.

O R D E R (Oral)  
(By Shri N.V. Krishnan)

This is an application by a Deputy Commissioner of Police, under 2nd respondent, who is aggrieved by Annexure-A1 order of transfer dated 18.1.95, by which he has been transferred from Delhi to Arunachal Pradesh. It is stated that the applicant belongs to the AGMUT cadre, which stands for Arunachal Pradesh, Goa, Mizoram and UT Cadres. On appointment to the IPS, he was first posted to Pondicherry in 1985. He came to Delhi some time in September, 1989 and he has now been transferred out to Arunachal Pradesh, which is one of the constituent States of the cadre, to which he belongs. It is stated that he has a tenure of 7 years for the posting at Delhi, though

he is unable to produce any rules in this behalf. He states that, earlier, several officers have been retained at Delhi for 7 years before they were transferred. He also pointed out that, as can be seen from the Annexure A-4 list showing the cadre strength and the position of the posts held in Arunachal Pradesh, there is no post vacant where he can be accommodated. He has submitted a representation, which has been forwarded by the Commissioner of Police to the competent authority on 25.1.95 Annexure A-6.

2. In the OA, it is alleged that there is also malafide on the part of the respondents inasmuch as it is alleged that 2 persons S/Shri Upadhyay and U.Mishra who are juniors are retained in Delhi though it is their turn get transferred. In the course of the arguments, the learned counsel also stated that elections are due in Arunachal Pradesh and, therefore, the transfer ought not to have been made. It is prayed that the impugned Annexure A-1 order of transfer be quashed.

3. We have heard the learned counsel. It is now settled law that this Tribunal cannot interfere in the transfer until it is established that the transfer is contrary to rules or it is malafide. We have not seen any rule which prevents any transfer from Delhi to Arunachal Pradesh nor has the applicant established any malafide in this case. We do not see any malafide in this case.

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4. At this stage, the applicant seeks permission to withdraw this OA. Permission is granted.

5. The OA is dismissed as withdrawn.

*DR. A. VEDAVALLI*

'DR. A. VEDAVALLI'

MEMBER 'J'

*N.V. KRISHNAN*

'N.V. KRISHNAN'

VICE CHAIRMAN 'A'

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