

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.885/1995

NEW DELHI THIS THE 16TH DAY OF MAY, 1995.

**MR. JUSTICE S. C. MATHUR, CHAIRMAN
MR. P. T. THIRUVENGADAM, MEMBER (A)**

1. Jai Pal Singh
S/o Sh.Pritam Singh
R/o 5 D/3 A, Puri Street,
Mauzpur,
Delhi-110053.
2. Illam Singh Rana
S/o Shri Ram Sarup Singh
R/o A-12,Chetram Marg
Mauzpur
Delhi-110053.
3. O.P.Sharma
R/o Mansarovar Park,
Delhi-110032.
4. Mam Chand Sharma
S/o Shri Suraj Mal Sharma
R/o C-318, Lohia Nagar
Ghaziabad(U.P.)
5. Om Pal Singh
R/o B-81/4 Gali No.2
North Chhajuplur,
Shahdara,
Delhi-110094.
6. D.C.Sharma
S/o late Shri B.M.Sharma
R/o D-13/1, Ashok Mohalla,
Mauzpur,
Delhi-110053. ..

(BY ADVOCATE SHRI V.P.SHARMA WITH
MS.DEEPA MATHUR,ADVOCATE)

VS.

1. Lt.Governor
through its Secretary,
Raj Niwas
Delhi-110054.
2. The Director of Education
Govt.of N.C.T.of Delhi,
Old Secretariat
Delhi-110054.
3. The Deputy Director of Education,
District East
Rani Garden, Geeta Colony
Delhi-110031.
4. Shri S.K.Jain
Vice-Principal
Govt.Secondary School
West Jyoti Nagar
Delhi-110094.

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Respondents

ORDER (ORAL)

JUSTICE S.C.MATHUR:

MA No.1075/95

The 6 applicants seek permission of the Tribunal

to join together in filing the Original Application. The Miscellaneous Application is allowed and the 6 applicants are permitted to file joint Original Application.

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2. This Original Application is directed against the transfer list issued on 8.5.1995 in respect of teachers. The transfer list contains the names of 44 teachers.

3. The transfer has been challenged only on the ground that it has been manipulated by two of their colleagues, namely Shri D.D.Sharma(for short Sharma) and Shri N.P.Gautam(for short Gautam). The learned counsel submitted that these two teachers pressurised the Vice-Principal of the institution into recommending applicants' transfer.. However, the learned counsel also admitted that after recommending their transfer in the month of January, 1995, the very same Vice-Principal later recalled his recommendation.

4. It is settled law that an order of transfer may be challenged on two grounds.(1) lack of competence; and (2) mala fides. It is not the case of the applicants that the Deputy Director of Education was not competent to transfer them. We repeatedly asked the learned counsel for the applicants to point out the para in the Original Application in which it is stated that the Deputy Director of Education was in a position to be intimidated by Sharma and Gautam. The learned counsel failed to invite our attention to any paragraph of the Original Application containing any such allegation.

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5. The learned counsel invited our attention to a press report and submitted that this press report was also manipulated by Sharma and Gautam. It is not necessary for us to go into this allegation as there is no allegation against the Deputy Director of Education who has issued the transfer list.

6. It also needs to be pointed out that the present Original Application is filed by 6 teachers. The transfer list appears to be the annual exercise.

7. In view of the above, the Original Application lacks merit and is hereby dismissed in limine.

8. A Copy of the Original Application and the order passed today shall be sent to the Deputy Director of Education(respondent No.3).

P.T. Thiruvenkadam

(P.T.THIRUVENGADAM)
MEMBER(A)

S.C.Mathur

(S.C.MATHUR)
CHAIRMAN

SNS