

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

C.A. NO. 116/95

New Delhi this the 18th day of Jan, 95.

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

Dr. A. Vedavalli, Member(J).

G.S. Gupta,
Inspector of Works,
Central Railway,
FARIDABAD.

... Petitioner.

By Advocate Shri K.B.S. Rajan.

Versus

1. The Union of India through
The General Manager,
Central Railway,
Bombay V.T.
Bombay.
2. The Divisional Rail Manager,
Jhansi Division,
Central Railway,
Jhansi.
3. The Sr. Divisional Engineer (N),
Jhansi Division,
Central Railway,
Jhansi.
4. The Assistant Engineer (M),
Central Railway,
Mathura Sub Division,
Mathura.

... Respondents.

ORDER (ORAL)

Shri N.V. Krishnan

The applicant is aggrieved by the Annexure A-1 order of transfer dated 9.12.1994. The applicant, who was working as Inspector of Works (ICW) Grade-II in Faridabad has been transferred to Agra in the same capacity, in place of Shri L.K. Gupta promoted as ICW-I. Simultaneously, one Shri Mukul Saxena, ICW-III in Agra has been transferred to Faridabad in place of the applicant and for this purpose the applicant's post at Faridabad has been downgraded.

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2. The learned counsel for the applicant states that the ICW is a sensitive post to which the orders dated 27.9.1988 at page 38 would apply. These orders stipulate that persons who frequently come into contact with contractors and suppliers are required to be transferred every four years. As the applicant has been posted to Faridabad only in October, 1991, he has not completed four years period, and, therefore, the order of transfer is bad. He also points out that in similar cases the persons are accommodated in the same station as would be evident from the Annexure A-15 orders. He further states, if necessary, the respondents even go to the extent of transferring the post from one place to another place to accommodate a particular employee to suit his convenience. It is the applicant's case that the transfer is unnecessary and that Shri Mukul Saxena could be adjusted at Agra itself. He also points out that the transfer affects the schooling of his children. In the circumstance, the applicant prays that the order of transfer be quashed.

3. We have heard the learned counsel for the applicant. We wanted to know whether there is any rule or order that the applicant cannot be transferred before the expiry of four years period. He was unable to produce any such order. It is settled law that transfer is an incident of service and is purely an administrative matter in which we normally cannot interfere. No grounds have been made out for our interference. If the petitioner had any grievance about his transfer, he ought to have submitted a representation to the authorities concerned.

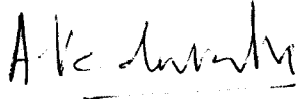
4. At this stage, the learned counsel for the applicant states that the O.A. has also alleged malafide against Respondent No. 2. We have seen the O.A. There is no such

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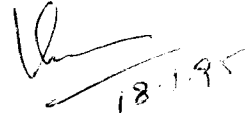
(4)

specific allegation in the grounds. Besides, the second respondent has also not been arrayed as a party in his personal capacity.

5. In the circumstance, we find no merit in the O.A. and it is dismissed at the admission stage. The applicant is at liberty to seek departmental remedies, if so advised.



(DR. A. VEDAVALLI)
MEMBER(J)


18.1.95

(N.V. KRISHNAN)
VICE CHAIRMAN(A)

'SRD'