

Central Administrative Tribunal, Principal Bench

O.A.No.685/96

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 2nd day of August, 1996

Shri Tashi Chhorgial PN-5826
Watchman,
Canteen Store Department
Resident of Qr. No.20, C.S.D.
Residence Complex
Opp. Kirby Place
New Delhi. ... Applicant

(None)

Vs.

1. Union of India, through
Chairman
Canteen Stores Department
Ministry of Defence
Govt. of India
Adelphi, 119, Maharish Karve Road
Bombay.
2. General Manager (P)
Canteen Stores Department
119, Maharishi Karve Road
Bombay.
3. Jt. General Manager-I
(Disciplinary Authority)
Canteen Stores Department
Maharishi Karve Road
Bombay - 400 020.
4. Dy. General Manager
P & A Canteen Store Department
Maharishi Karve Road
Bombay.
5. Regional Manager(West)
Canteen Stores Department
Kirby Place
New Delhi.
6. Area Manager
CSD (Depot.)
Kirby Place
Delhi Cantt. ... Respondents
(By Shri M.L.Verma, Advocate)

O R D E R(Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

This application is directed against an order of transfer was listed for final hearing if possible on 31.5.1996. It was adjourned to 4.6.1996 on which date none

appeared for the applicant. However, the case was adjourned to this date. Today also neither the applicant nor his counsel is present. Shri M.L.Verma, learned counsel for the respondents submitted that on account of the interim order issued in favour of the applicant, the impugned order has not been given effect to and that is causing great administrative difficulties. Having obtained an interim stay of the Transfer order the applicant and his counsel should have been present and prepared to argue the case. As the transfer is a routine administrative matter considering the request of the counsel for respondents we proceeded to dispose of the matter.

2. The applicant has assailed the order of Transfer on the ground of malafide and punitive. It is alleged that the sixth respondent has sought the transfer of the applicant on administrative ground only because one Kali Charan, who is in his good books has made a complaint against him. The applicant has also alleged that as departmental proceedings has been held in which the guilt of the applicant was not established the impugned order has been issued as a punitive measure. It is true that the sixth respondent had written a letter on 24th September, 1994 to the 5th respondent stating that he had held an investigation on the complaint of one Shri Kali Charan which revealed that the applicant manhandled him, that it was not the first occasion where such complaints were received against the applicant and that he recommended the transfer of the applicant in the interest of discipline on administrative grounds. But the impugned order was not issued immediately thereafter. The transfer order which is impugned in this case is of 7th March, 1996 more than one and half of years after that and that too it

was issued by fourth respondent. The respondents have stated that the disciplinary proceedings had nothing to do with the impugned order of transfer which was based only on administration grounds. Just because there was a disciplinary proceedings against the applicant, and just because the sixth respondent had at one time recommended his transfer the order of transfer does not become either punitive or malafide. It is not alleged that the respondent 4 or 5 have any reason for malafides against the applicant. Even as far as the sixth respondent is concerned apart from stating that Kali Charan was in his good books there is no specific allegation of malafide. Even if the transfer was made on the recommendation of the sixth respondent, yet it cannot be held that the order is either punitive, arbitrary or malafide. Maintainance of discipline and hormoney in the establishment is in public interest. However in this case as contended by the respondents, by lapse of time it is evident that there is no direct link between the order of the 6th respondent or the disciplinary proceedings and the transfer. We do not find any justification to interfere with the impugned order which is a routine administrative order made on public interest.

3. In the result the application is dismissed. No costs.

RkAhoja-
(R.K.AHOOJA)
MEMBER(A)

/scs/

(A.V.HARIDASAN)
VICE-CHAIRMAN(J)