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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 115/96

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

New Delhi, this 19th day of January, 1996

Shri Braham Prakash
C/43, Jeet Nagar
P.S.Preet Vihar
DELHI.

... Applicant

(By Shri T.S.Joseph, Advocate)

Versus

1. The Chief Secretary
(Old Secretariat)
N.C.T. of Delhi
5, Shyamnath Marg
D E L H I.

2. The Commissioner of Police
DELHI.

3. The Deputy Commissioner of Police
Head Quarters(1)
NEW DELHI.

... Respondents

O R D E R (Oral)

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

This application has been filed by a Constable of the Delhi Police for a direction to the respondents to cancel the order dated 27.11.1995 transferring the applicant from Traffic Unit to PCR, not to transfer the applicant during the pendency of the medical treatment he is undergoing and also to release the pay of the applicant. The issue of transfer has no connection with the release of Pay and Allowances. However, the learned counsel for the applicant elected to have the application for consideration in regard to transfer only with liberty to file another application in regard to the relief of release of pay and allowances and also to challenge the disciplinary proceedings contemplated against him, separately. Therefore, we are considering this application only in respect of the order dated 27.11.1995.

Contd.... 2/-

3. We have perused this application and heard the learned counsel for the applicant. We have also seen the impugned order. It is evident from the impugned order that the applicant has been posted as Lt Constable-PCR cancelling the order dated 10.6.1994 by which he was transferred to Traffic. Learned counsel for the applicant argued, ~~in~~ in the background of the fact that disciplinary proceedings was once initiated and dropped, and that the applicant had been subjected to frequent transfers, it is a fit case where the Tribunal should interfere and strike down the impugned order ^{which is} ~~which is~~ ^{Violated} ~~Violated~~ by malafides.

A malafides

4. We do not find any specific allegation in the application. We could not find that the Deputy Commissioner of Police who has issued the impugned order is motivated by ^{my} ~~another~~ interest other than the public interest. Transfer, cancellation of transfer, etc. are routine administrative matters which the competent authority of the department has ^{to} the discretion to ~~exercise~~ ^{perform}, and interference by Courts and Tribunals in such matters become necessary only if such exercise ^{is based on} ~~by malafides~~ ^{Convened even prima facie} - We are not ~~confined~~ ⁱⁿ this case that impugned order is a result of malice and we therefore, find no reason to entertain this application. The application is therefore, rejected under Section-19(3) of the Administrative Tribunals Act, 1985.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

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

/RAO/