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Central Administrative Tribunal  
Principal Bench, New Delhi.

OA-177/97

Hon'ble Shri S.P. Biswas, Member(A)

New Delhi this the 24th day of January, 1997.

Sh. K. Panchaksharan,  
60-F, CBI Colony,  
Vasant Vihar,  
New Delhi-57.

..... Applicant

(through Shri Naresh Kaushik, advocate)

versus

1. Union of India through  
the Secretary,  
Deptt. of Personnel & Training,  
North Block, Central Secretariat,  
New Delhi.

2. The Director,  
Central Bureau of Investigation,  
Block No.3, 4th Floor,  
Lodhi Road,  
New Delhi-3.

..... Respondents

Order(oral)

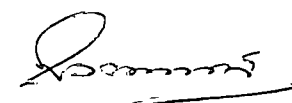
The applicant, an Inspector of Police absorbed permanently in the Central Bureau of Investigation, New Delhi is before us challenging the impugned transfer order dated 16.01.97. Vide letter at Annexure-1 dated 16.1.97, the applicant has been transferred from New Delhi to Bhuj Unit under Jodhpur Bench of the same organisation. As per applicant, his appointment was only for the Motor Transport Cell and that the order suffers from total arbitrariness and non-application of the mind since he has been now transferred to a place where there is no work at all. He will not be able to utilise the expertise he has gained so long while carrying out the responsibilities of the Motor Vehicle Unit of the Department.

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2. It has been well settled law by a long line of decisions of the Hon'ble Supreme Court that transfer is a condition of service and an employee has no choice in the matter. In case of difficulty it is open to the employee to file a petition for stay, cancellation or modification but if the competent authority does not stay, cancel or modify the transfer order, he has no option but to carry out the same. In case of disobedience of transfer order, he exposes himself to disciplinary action, which may result even in dismissal. Courts/Tribunals are not to interdict transfer orders unless such an order is vitiated by malafides, or issued in violation of statutory provisions or in colourable exercise of powers. The learned counsel could not finally establish any of these infirmities in the present transfer order. This view has been reiterated by the Hon'ble Supreme Court in case of U.O.I. & Ors. Vs. S.L. Abbas (AIR 1993 SC 2444); N.K. Singh Vs. U.O.I. & Ors. (1994(6) SCC 98); CGM (Telecom) Circle and another Vs. Rajendra Chandra Bhattacharyya (1995(2) SCC 532) and Shilpi Bose Vs. State of Bihar (1992 SCC (L&S) 127).

3. In the light of the law laid down by the apex court in respect of the principles to be applied for modifying an order of transfer, the present application deserves to be dismissed. It is accordingly dismissed at the admission stage.

  
(S.P. Biswas)  
Member(A)