

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 1818/97

This the 9<sup>th</sup> day of January, 1998

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN (J)

HON'BLE MR. N. SAHU, MEMBER (A).

1. Sh. J.R. Chaudhry  
S/o late Sh. P.R. Chaudhry  
R/o 16/127, Geeta Colony,  
Delhi-110031. .... Applicant  
(By Advocate Sh. M.K. Gupta)

Versus

1. Union of India  
through its Secretary,  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi-110001.

2. Directorate General of Employment &  
Training,  
Through its Director General,  
Shram Shakti Bhawan,  
New Delhi-110001.

3. Regional Director,  
Regional Directorate of Apprenticeship  
Training,  
New CGO Complex, A-Block, IIIrd Floor,  
NH-IV, Faridabad. .... Respondents  
(By Advocate Sh. N.K. Aggarwal)

JUDGEMENT

By Hon'ble Mr. N. SAHU, M(A).

Under challenge is the Order dated 24.7.97  
transferring the applicant from RDAT, Faridabad to ATI, Mumbai  
in the place of one Shri Teja Singh who replaces him at  
Faridabad. The transfer of the applicant was ordered "in  
the public interest". The applicant states that earlier at  
Calcutta he developed bronchial asthma and on medical advice  
recommending a dry climate, he was transferred from CSTARI,  
Calcutta to RDAT, Faridabad on 22.9.94. This impugned  
transfer, after nearly three years, to another coastal

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climate did not take note of this medical background. It is next urged that posting of Shri Teja Singh back to Delhi from Mumbai whereto he was posted only during April 97, on promotion was with an "oblique motive" to accommodate him. In all the two decades of Shri Teja Singh's service, he always served at Delhi and even this present posting at Mumbai was cut short only to restore him to Delhi. It is next urged that the applicant's son is doing Apprenticeship Training and he has an old paralytic mother. He therefore prays for quashing the impugned transfer order.

2. The respondents state that the transfer was made solely in public interest and administrative exigency inasmuch as the applicant specialized in imparting training in Draughtsman Mechanical and his services are now required for such training to foreign nationals and without him this programme has suffered a set back. The plea of asthma is a pretence, say the respondents, because Bombay has more medical facilities and less acute pollution than Delhi. Bombay is the applicant's declared home town and the applicant took four spells of long leave to visit his home town on LTC facilities from 1990-94 and with three years of service left, the applicant should be happy to settle down there. Shri Teja Singh was transferred back to Delhi because he was undergoing treatment under a cardiologist at RML Hospital, New Delhi and also because Shri Teja Singh was not exposed to training experience in which the applicant specialised. The respondents challenge the applicant to a medical examination by a Board of two qualified doctors to know the extent of his ailment because he commutes daily from Delhi to Faridabad suffering all the pollution and did

not avail of the residential accommodation provided to him at Faridabad. They impugn the old medical certificate as "a procured one".

3. We have considered the rival submissions. We are satisfied that this transfer order was passed as an administrative measure in the public interest. The applicant was appointed as Junior Draughtsman and promoted as Junior Technical Asstt. and then Senior Draughtsman. He was further promoted as a Training Officer from the feeder cadre therefore his career chart showed that he should be appropriately posted in a field Institute to impart training in his own discipline. It appears that in a meeting on 4.8.97 the applicant was advised by his Senior Officer for taking over a current programme in the field of Draughtsman Mechanical Training attended by the Foreign Nationals. He was also assured that he would be considered for replacement in an year's time as the department is in the process of recruiting more training officers in the field of Draughtsmen Mechanical.

4. We are satisfied that the grievance of the applicant has been sympathetically examined by the Competent Authority. In S.L.Abbas case AIR 1993 SC 2444, the Hon'ble Supreme Court laid down as under:

"who should be transferred where is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by malafides or is made in violation of statutory provisions, the Court cannot interfere with it."

5. It is clear to us also that this order of transfer is neither vitiated by malafide nor is made in violation of statutory provision. In view of the law laid down by the Hon'ble Supreme Court in UOI & Ors. Vs. S.L. Abbas cited (Supra), we do not find any merit in this petition. We are also fortified by the decision of the Supreme Court in the case of Shilpi Bose and N.K. Singh Vs. UOI & Ors. 1994(28) ATC 246. In E.P. Royappa Vs. State of Tamil Nadu AIR 1974 SC page 555 the Hon'ble Supreme Court held that the Govt. is the best judge to utilise the service of an employee. In view of the above discussion and as the applicant has been transferred to his own home state for visiting which place he availed of several months of leave earlier to spend his vacation, we do not find any justification to interfere with the order of transfer. The O.A. is dismissed. There shall be no order as to costs. It is needless to say that the interim orders stand vacated.

*N. SAHU*

(N. SAHU)  
MEMBER(A)

*J.P. VERGHESE*

(Dr. J.P. VERGHESE)  
VICE CHAIRMAN(J)

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