

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1863/97

New Delhi this the 21 Day of JUNE 1998

Shri Bhuri Singh,
S/o Late Shri Sohan Pal,
R/o Quarter No. 21, Type III, GB Pant,
Polytechnic Campus,
Okhla, New Delhi-110 020.

Presently working as Workshop Instructor
at G.B. Pant Polytechnic,
Okhla,
New Delhi.

Petitioner

(By Advocate: Shri Rabindra Singh)

-Versus-

The Govt. of N.C.T. of Delhi,
Through the Director,
Directorate of Training & Technical Education,
'C' Block, Vikas Bhawan,
New Delhi

Respondent

(By Advocate: Shri S.K.Gupta proxy for Shri B.S.Gupta)

ORDER

The applicant a Workshop Instructor in G.B. Pant Polytechnic under Govt. of NCT of Delhi is aggrieved by the order of his transfer dated 17.4.1997 transferring him from G.B. Pant Polytechnic to Arya Bhatt Polytechnic. The applicant states that he submitted a representation to the respondent against this transfer but the same has been rejected without a speaking order vide respondent letter dated 22.7.1998. The case of the applicant is that unlike other instructors he has been subjected to frequent transfers having been earlier transferred from G.B. Pant Polytechnic to Pusa Polytechnic in 1989 and from Pusa to Aryabhatt Polytechnic in 1992. In 1995 he was transferred back to G.B. Pant Polytechnic but even before the expiry of 3 years the impugned transfer order has been issued. On the other hand, the applicant alleges that various other

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instructors have continued in G.B. Pant Polytechnic for 15-20 years without any transfer. Secondly, the applicant contends that after his transfer from G.B. Pant Polytechnic no instructor in his specialisation would be available in that institution and as a result the interest of the students will suffer. He also questions the eligibility of the person to whom he has been directed to hand over charge. On the other hand, according to the applicant, there are 3 instructors in the relevant trade in Arya Bhatt Polytechnic.

2. The allegations of the applicant have been denied by the respondents in their reply. They state that the transfer of particular instructor can be effected in the exigency of teaching in various institutes. Further more the transfer is within the city limits of Delhi and therefore there is no uprooting of the family of the applicant involved in the process.

3. I have heard the counsel and I have also perused the departmental file regarding the transfer of the applicant. Learned counsel for the applicant has vehemently argued that his transfer having been made before 3 years is contrary to the transfer rules. However, no such guidelines/instruction/rule has been produced by the learned counsel in support of his arguments. The relevant file of the applicant, on the other hand, shows that the applicant has been transferred on the recommendation of the Head of the Department and the Vigilance Officer. The applicant has, however, not alleged malafide on the part of any officer. It is well settled that transfer is an incidence of service. The

transfer though having been made in 1997, its still not being carried out due to the stay order of this Tribunal. Applicant has now almost completed 3 years at G.B. Pant Polytechnic. It is upto the respondents to judge where the services of the applicant can be best utilised and no interference in that regard is possible even on the ground of public efficiency of public administration unless transfer is shown to be the outcome of malafide or to have been made in of statutory contravention rules. Since neither grounds has been established the applicant cannot succeed.

In the light of the above discussion, the OA is dismissed. There is no order as to costs.

R.K. Ahooja
(R. K. Ahooja)
Member(A)

Mittal