

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA-1958/97

New Delhi this the 3rd day of September, 1997.

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

Shri Amrik Singh,
R/o H.No.3049/1,
Street No.S.A.,
Ranjeet Nagar,
New Delhi-8. Applicant

(through Sh. K.P. Dohare, advocate)

versus

Union of India through

1. Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi-1.

2. Director General,
Doordarshan, Mandi House,
New Delhi-1.

3. Director General,
All India Radio,
Parliament Street,
New Delhi-1.

4. Chief Engineer,
Delhi Doordarshan,
Jam Nagar House,
New Delhi-11. Respondents

(through Sh. Surender Singh, departmental representative)

ORDER(ORAL)

When the case came last on 20.08.97, this Tribunal ordered the respondents to file a short reply indicating why the transfer order should not be stayed till the disposal of the applicant's representation. This Tribunal gave time upto 3.9.97 to come up with a proper response to the applicant's claim for relief i.e. cancellation of the order of transfer. During the course of today's hearing, the departmental representative produced before us an order dated 1.9.97 wherein the applicant has been given the relief in terms

of staying his transfer order till 03.12.97. This was taken on record. The applicant is not happy with it and he seeks two years more to remain in Delhi on ground of his ill health.

As per the learned counsel for the applicant, the applicant has to go for one more operation and his retention in Delhi on health ground is extremely essential. He also added in support of his claim, that there are 19 officials senior to him who should have been covered up in the matter of transfers outside Delhi.

The scope of judicial review in the matter of transfer is very limited. Courts/Tribunals can interfere in such matters only if such orders are issued in violation of statutory provisions or when they issue on grounds of mala fides or through colourable exercise of powers. The learned counsel for the applicant could not cite any of the grounds on the basis of which A1 order dated 3.6.97 or respondents' latest order dated 1.9.97 could be interfered with. In terms of the orders of the Hon'ble Supreme Court in the case of State of M.P. Vs. S.S. Kaurav (ATC 1995(29) P. 553) even in cases of personal difficulties, it is for the executives to consider those grievances. Under these circumstances, I find no grounds to exercise our discretionary jurisdiction under Article 226 of the

constitution of India and provide any further relief. The application fails on merits and is accordingly dismissed.

This will, however, not debar the applicant to persuade the matter with respondents, in case the latter so desires to consider applicant's plea.

No costs.

S. P. Biswas
(S. P. Biswas)

Member (A)

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