

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.225 of 2000

Dated this 3rd day of February, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

(2)

1. Naveen Kumar Bemby
S/o Shri Baldev Raj Bemby
Director
Central Water Commission
Ministry of Water Resources
801 (North) Sewa Bhawan
R.K. Puram
New Delhi-110066.
2. Indian Statistical Service Association
Through its Secretary
Fourth Floor, Sardar Patel Bhawan
Sansad Marg
New Delhi-110001 ... Applicants

(Through Shri Tushar Ranjan Mohanty,
Secretary-in-person
Qr.No.38, Type-IV, Sector-3,
Saidiq Nagar, New Delhi-110066).

(By Advocate: Shri S.K. Das)

versus

1. Union of India
Through the Secretary
Ministry of Statistics and
Programme Implementation
Sardar Patel Bhavan, Sansad Marg
New Delhi-110001.
2. Shri N.K. Sharma
Deputy Director
Department of Statistics and
Programme Implementation
Ministry of Planning and
Programme Implementation
Sardar Patel Bhavan, Sansad Marg
New Delhi-110001.
3. Chairman
Central Water Commission
Ministry of Water Resources
315 (South) Sewa Bhawan
R.K. Puram
New Delhi-110066. ... Respondents

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O R D E R (Oral)

By Reddy J.

The applicant initially challenged the order of transfer dated 29.4.1999 in OA.1598/99. The OA was disposed of by an order dated 3.12.1999 with a direction to consider the representation made by the applicant against the order of transfer and dispose it of with a detailed and speaking order. Pending passing of such order, the order of transfer was kept in abeyance. The impugned order dated 24.12.1999 (Annexure A-1) is now passed rejecting the representation giving elaborate reasons.

2. The learned counsel for the applicant now challenges the impugned order as well as the order passed by the respondents on the representation (Annexure A-1). It is contended by the learned counsel for the applicants that the respondents have not considered all the grounds raised by the applicant in the representation and that the order itself is bad as the reasons given in the order are not correct as the applicant has been singled out for transfer keeping several senior persons in Delhi. It is, therefore, contended that the order of transfer is contrary to the guidelines and the policy of transfer dated 29.4.1999.

3. The Tribunal while disposing of the earlier OA directed the respondents to pass a

CAJ

detailed and reasoned order. The impugned order (Annexure A-1) is an order containing elaborate reasons as to why the transfer of the applicant was made ^{ICM} and it is strictly in accordance with the transfer policy. It is the main contention of the learned counsel for the applicants that officers with 21 years stay in Delhi are not touched while the applicant who is here for only 12 years is being transferred out. It is true that in the transfer policy one of the guidelines is that persons with longer stay in Delhi should be transferred first. The respondents have clearly explained this aspect of the grievance in para-11 of Annexure A-1. It is stated that the transfer policy is being implemented for the first time and it was not possible to transfer all the officers at one go and that the longest duration at one station was not the sole criterion, but other considerations like the officers in zone of consideration for higher posts, their likely date of retirement, postings of husband/wife at the same station etc. have also be to considered. Therefore, the impugned order cannot be said to be contrary to the transfer policy.


4. It is also contended that Respondent No.2 is biased against the applicant. The learned counsel for the applicants draws my attention to a letter dated 11.10.1999 written by the



Secretary of the Association to Respondent No.1. Several vague allegations are made in this letter which, to my mind, are only made by the Secretary with the malafide intention against the officer concerned. No cogent grounds are made out in order to challenge the order on the ground of malafides. I do not find any substance in the contentions raised by the learned counsel.

5. It should also be noticed that the applicant is liable to be transferred to any part of India. He is here in Delhi for the last 12 years. It is not his grievance that he was victimised. In fact transfers are made on a large scale in the interests of administrative exigency. No grounds of personal inconvenience are also alleged. It is true that normally the transfer should be in accordance with the guidelines. But it is well settled that they are ^{not} mandatory and that no mandamus or directions in the nature of mandamus shall issue to implement the guidelines. In fact in the present case there is no violation of the guidelines. The applicant having obtained an order keeping the transfer in abeyance, seeks to perpetuate the same by filing OAs one after another. I do not find any merit in the OA.

6. The OA is dismissed at the admission stage. No order as to costs.


(V. Rajagopala Reddy)
Vice Chairman(J)