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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 28/2000
MA NO. 1250/2000

New Delhi, this the 15th day of September, 2000

HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Tushar Rajan Mohanty,
S/o Shri Rabi Narayan Mohanty,
Director (Statistics and Records),
Directorate of Statistics and Records,
Directorate General of Resettlement,
Ministry of Defence,
West Block No.4, Wing No. 5, First Floor,
R.K. Puram, New Delhi - 110 066

.....Applicant

(By Advocate: Applicant in person)

VS.

1. Union of India,
Through the Secretary,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

2. Shri M.D. Asthana,
Formerly Secretary
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

Currently Secretary,
Department of Food and Civil Supplies,
Ministry of Food and Consumer Affairs,
172, Krishi Bhavan, New Delhi - 110 001.

3. Shri K.S.P. Rao,
Director,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

4. Shri N.K. Sharma,
Formerly Under Secretary,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

Currently Deputy Director,
Central Statistical Organisation,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

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5. Dr. S. Ray,
Additional Director General (Training),
Central Statistical Organisation,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

6. Shri T.V. Raman,
Director (Training),
Central Statistical Organisation,
Department of Statistics and Programme Implementation,
Ministry of Planning and Programme Implementation,
Sardar Patel Bhavan, Sansad Marg,
New Delhi - 110 001.

.....Respondents.

(By Advocate: Sh. V.S.R. Krishna)

ORDER (ORAL)

By Mr. Govindan S. Tampi,

Heard applicant in person and also counsel for respondents.

2. Department of Statistics Order No. 12015/3/99-ISS dated 9.4.99, transferring among others the applicant, from the office of the Central Statistical Organisation to that of Director General Resettlement in a vacancy created on account of by promotion by another person is under challenge in this OA. The applicant states that the transfer is in violation of the policy guidelines dated 29.4.99 which have been issued on a later date but which should have been considered alongwith the service rules. He states that the reasons for transfer are the notification of the transfer policy which was to take place in a shortwhile and his being the Secretary of the Association. He has already accepted the transfer but has come before the Tribunal to have it declared as improper, arbitrary and unjust. He says that the dpeartment could have waited should wait till the policy was enunciated in April,

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1999, instead of hurrying it on. He also states that the transfer has been given in recognition of his services, as is being made out by the respondents.

3. Arguing for the respondents Sh. Krishna states that this is a case where a Group 'A' officer has come up seeking relief against a transfer almost claiming that he belongs to a protected category of officers ^{who} should not be transferred on administrative grounds even if administration requires the services of an individual at a particular seat. He can be so posted unless it creates insurmountable personal problems or it has been done malafide. Neither has been made out in this case. Applicants' plea that the department should have waited for the notification of the transfer guidelines before shifting was also not acceptable, argues Sh. Krishna.

4. I have carefully considered the matter. Tribunal is not used to or inclined to interfere in the matters of transfers of the Government servants unless extreme personal/domestic difficulties are brought out or malafides is proved. The present case does not belong to the category. The applicant has only been transferred from the office of the Central Statistical Office on the Parliament Street, New Delhi to the office of the Director General Resettlement in R.K.Puram, New Delhi. The transfer should not cause any unconscionable difficulty for the applicant. Department had to post someone to fill up a vacancy, which arose in the Directorate General of Resettlement and the applicant was chosen for it. This could not be termed as a malafide action, especially as the department had earlier given him out of turn promotion. The alleged bias against the applicant, is not brought out on records, if anything it is otherwise. His plea that his

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transfer has very much to do with his acting as the Secretary of the Association, in furtherance of collective bargaining for his service, also does not merit acceptance, as the transfer has been from one office to another, from one post to another equally important post, within the same city. The applicant, who is a senior officer in Group 'A' service, has not, in my view, made out any case for the Tribuna;'s interference in this matter.

4. The application being devoid of any merit, is dismissed.
No costs.

(GOVINDAN S. TAMPI)
Member (A)

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