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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN.NO. OA 1354/89

Date of decision: 2.8.89

Shri Krishan Chander

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Applicant

Vs.

Union of India & others

.....

Respondents

CORAM: HON'BLE MR.P.K.KARTHA, VICE CHAIRMAN
HON'BLE MR.P.C.JAIN, MEMBER

For the Applicant

.....

Shri R.L.Sethi, Counsel.

For the Respondents

.....

Mrs. Raj Kumari Chopra,
Counsel.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Mr.P.K.Kartha, Vice Chairman)

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that the order of transfer dated 17.4.1989 and the movement order dated 30.6.1989 be declared null and void and set aside. By way of interim relief he has prayed that the operation of the impugned order be stayed pending final decision on this application. The application came up for admission ^{today} and we have heard the learned counsel of both parties. Learned counsel for the applicant has stated that the impugned order of transfer has not been made in the public interest or in exigency of service or on administrative grounds and that it is in the colourable ^{is} exercise of power and arbitrary. In this context, he has stated that this Tribunal had decided OA No.1037/86 ^{on 28.8.87} giving certain directions for holding of Review Departmental Promotion Committee etc. The respondents have been given time to implement the directions contained in the aforesaid judgement till 15.10.1989. He, therefore, requests

that atleast till the Review Departmental Promotion Committee has met and decided upon the promotion of the applicant, he should not be disturbed from his present posting. He also stated that there is every likelihood of the applicant being found fit for promotion by the Review Departmental Promotion Committee and the transfer at this juncture would cause undue hardship to the applicant.

2. Learned counsel for the respondents states that the applicant has been working in the present unit at Delhi since 27.1.1986 and that the presence of the officers whose cases are to be reviewed by the Departmental Promotion Committee is not necessary. There is no relation between the implementation of the judgement of the Tribunal dated 28.8.1987 and the posting of the applicant at Delhi.

We are also satisfied that there is no arbitrariness in the issuance of the impugned order of transfer. Apart from the applicant, two other officers have also been transferred vide impugned order dated 17.4.1989. The mere fact that the impugned order does not mention that it has been issued in public interest does not mean that it was not issued in public interest and that it is arbitrary.

3. We do not find any merit in the present application and the same is rejected at the admission stage itself. The parties will bear their own costs.

P.C. Jain
(P.C. JAIN)
MEMBER(A)
2.8.89

P.K. Kartha
(P.K.KARTHA)
VICE CHAIRMAN(J)
2.8.1989