

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
~~TA No.~~

2079/

1989.

DATE OF DECISION December 8, 1989.

K.N. Chaturvedi

Applicant (s)

In person

Advocate for the Applicant (s)

Versus

The Union of India &
Others

Respondent (s)

Shri P.H. Ramchandani

Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. P.C. Jain, Member (A).

~~The Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

yes.
No.
No.
No.

JUDGEMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is posted as Administative Officer, Customs and Central Excise, at Ghaziabad with effect from 10.8.87, has prayed that he should be got transferred to Kanpur. In support of his request, he has urged that he has been making requests to the authorities at various levels for his posting at Kanpur, because of certain family property problem for looking after which, he has had to leave his family at Kanpur and that the water of Ghaziabad is not suiting him as he is a patient of high blood pressure and diabetes.

2. Shri P.H. Ramchandani, Senior Counsel, appeared for the respondents on notice from the Tribunal on admission, and urged that the applicant has no legal right to claim to be posted to a particular place. It was further stated that in accordance with the confidential instructions dated 1.11.78, issued by the Ministry of Finance, Department of

Revenue, to all Collectors of Central Excise, on the question of transfers of Group 'B', Group 'C' and Group 'D' officers within the Directorate, the applicant who belongs to the category of Ministerial Officers, is liable to transfer; but routine transfers from one station to another are to be avoided, except on administrative or compassionate grounds. It has been further brought to my notice that the Department of Revenue, in their letter dated 9.10.89, has written to the Collector of Central Excise, Kanpur, to the effect that as the applicant has since completed two years' stay at Ghaziabad, his request for transfer to Kanpur may be considered.

3. I have carefully perused the papers on record and the submissions made before me by the applicant in person and the learned Senior Counsel for the respondents.

4. The argument advanced by the applicant that the water of Ghaziabad does not suit him in view of the two ^{ailments} ~~diseases~~ to which he has referred and from which he is stated to be suffering, does not have much force because the water itself has not much to do with these two ailments. The applicant has not been able to show any violation of any statutory rules or any mala-fide in his request not being accepted by the competent authority. The law on the subject of transfers is fairly well settled now and in the absence of any violation of any statutory rule or any mala-fide, courts are not expected to interfere in the deployment of its employees by the Government in the best administrative interest. What is significant in this case is that ~~that~~ the applicant was posted to Ghaziabad at his own request and has been there only for about two years.

5. In view of the letter sent by the Department of Revenue, referred to above, which indicates that the Department itself is sympathetic to the request of the applicant, I see no merit in this application, which is dismissed at the admission stage itself. Parties shall bear their own costs.

(P.C. JAIN)
Member(A)