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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN. NO. C.A. 2105/89.

DATE OF DECISION: 2.12.1991.

Jagdish Rai Punia

... Applicant.

Versus

Union of India & anr.

... Respondents.

CORAM: THE HON'BLE MR. D.K. AGGARWAL, MEMBER(J).

For the Applicant.

... Shri O.P. Gupta,  
Counsel.

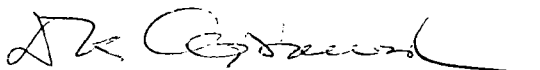
For the Respondents.

... Shri O.N. Moolri,  
Counsel.

(Judgement by Hon'ble Mr.D.K. Aggarwal,  
Member(J))

This claim petition is directed against a transfer order dated 11.7.1988, which has taken effect on 29.7.1988. The applicant has been transferred from one charge to another charge at the same place of posting i.e. Daya Basti.

As usual, the transfer order is alleged to have been passed in the colourable exercise of power. However, on perusal of the representation dated 13.7.1988, which was the first representation in point of time, did not mention any such allegation. It has been urged on behalf of the opposite parties that the ground malafide exercise of power is ~~in~~ after thought. It was also urged on behalf of the applicant that the transfer order is not a simpliciter transfer order but as a measure of penalty. However, no cogent grounds exist on record to substantiate the said plea. The record, on the other hand, bears out that the charge-sheet to inquire into the conduct of the applicant has been separately issued. Thus, it appears that no finding of misconduct has been recorded on the back of the applicant. It is pertinent to mention that the opposite parties have specifically pleaded in their reply




that the transfer order was made in the administrative expediency. It has also been urged that the transfer order has been passed in violation of the transfer policy. It is well settled that the transfer policy is not mandatory in character.

It is well settled principle of law that a transfer order has not to be interfered with either by a High Court or the Tribunal except on the ground of illegality, arbitrariness or ~~malafide or actuated with~~ malice. The Supreme Court has initiated the principle in the well-known case of H.N. Kartania. I am of the opinion that there is no illegality or arbitrariness or malafide exercise of power in the impugned order of transfer. In fact, the impugned order of transfer is an innocuous order, which has changed the seat/section of the applicant. He was posted as Supdt. in Electrical Branch, Northern Railway, Headquarters office, New Delhi. He has been now put in the Electrical Repair Workshop, Northern Railway, Dayabasti, Delhi. Thus, there is mere change of the seat/section. The station of posting remains the same. The opposite parties have also alleged in their reply that the new place of posting is nearer to his residence in comparison to his earlier posting.

In these circumstances, no inconvenience has been caused to the applicant. Taking into the account legal and factual aspect, I do not find any reason to interfere with the order of transfer. Consequently, the Application is liable to be rejected.

In the result, the Application is dismissed with no order as to costs.

  
(D.K. AGGARWAL) 2.12.91.  
MEMBER(J)

'SRD'