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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. O.A. 357/89

Date of decision 21-02-1989

Shri Puran Prakash

.....Petitioner

Vs.

Union of India

.....Respondents

For the petitioner

.....Shri R.P. Sharma,
Counsel

For the respondents

.....Shri B.K. Aggarwal,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not? No

JUDGMENT (ORAL)

(The judgment of the Bench delivered by Hon'ble
Mr. P. Srinivasan, Administrative Member)

This application has come up before us for admission today with notice to the respondents. Shri R.P. Sharma, learned counsel for the applicant and Shri B.K. Aggarwal, learned counsel for the respondents have been heard.

2. In this application, the applicant seeks the following reliefs:-

- (i) That order dated 15.2.1989 by which he has been transferred from Delhi to Panipat be quashed as illegal;

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(ii) that he be allowed increment in salary from 1.1.1989; and

(iii) that the period from 2.12.35 to 18.7.36 be treated as spent on duty and he be allowed salary and allowances accordingly.

3. As will be seen from the above three separate and independent reliefs are sought in this application. For this reason along^H, the application deserves to be rejected at this stage itself.

4. So far as the order transferring the applicant to Panipat is concerned, we find that the order states that it was made on administrative grounds. Shri Sharma submits that employees cannot be transferred on administrative grounds, but only if there are any disciplinary proceedings pending against them. Particularly in the case of Scheduled Caste and Scheduled Tribe candidates, they cannot be transferred frequently and even^{if} they are to be transferred, it should only to adjoining districts and not to far away places. He has drawn our attention^H to^{to} the Railway Board's Circular on this subject.


5. Shri Aggarwal submits that transfer is a normal incident of Government service. The instructions are that as far as possible, transfers to distant places should be avoided but here the applicant has not been transferred to a distant place. More over, these instructions are not

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4 ^{mandatory}
~~statutory~~ but are only directory and constitute guidelines on the subject. In the exigencies of service transfers can be made.

6. We are satisfied that on the face of it, the order of transfer is purely on administrative grounds. We do not agree with learned counsel for the applicant that transfer cannot be made on administrative grounds. The applicant has not established any malafides in the order of transfer. He only states that other people have not been transferred. At the same time, it is admitted that the applicant has been working in Delhi from 1979, which means that he has been transferred after nearly 10 years and we cannot consider this to be unreasonable. In view of this, the prayer challenging the transfer order deserves to be rejected.

7. In respect of the other reliefs claimed in this application, the applicant has not produced any order ^{MS} filed before us to show that his claims in this regard had been rejected. The only document annexed to the application in this connection is a representation made by him on 13.2.1989., i.e., 3 days prior to the filing of this application. Therefore, the application does not disclose any cause of action in regard to these prayers. The applicant will be at liberty to come to this Tribunal if eventually his claims in this regard are rejected by the authorities.

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8. In the view we have taken above, the application is rejected at the stage of admission itself leaving the parties to bear their own costs.

9. A copy of this order may be handed over to the counsel for both the parties as soon as it is signed by us.

P. Srinivasan
21/2/89
(P. SRINIVASAN)
MEMBER (A)

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